

# **BRIGHTON & HOVE CITY COUNCIL MEETING**

**4.30PM 26 APRIL 2012**

**COUNCIL CHAMBER, HOVE TOWN HALL**

## **AGENDA**



Brighton & Hove  
City Council

# Council Meeting

Title:	<b>Council</b>
Date:	<b>26 April 2012</b>
Time:	<b>4.30pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>All Councillors</b> You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.
	Prayers will be conducted in the Council Chamber at 4.20pm by Reverend John Wall
Contact:	<b>Mark Wall</b> Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk



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- Do not re-enter the building until told that it is safe to do so.

## AGENDA

### Part One

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#### 1. DECLARATIONS OF INTEREST

Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as personal and/or prejudicial under the terms of the Code of Conduct.

#### 2. MAYOR'S COMMUNICATIONS.

#### 3. TO RECEIVE PETITIONS AND E-PETITIONS.

Any petitions relating to the specific items listed on the agenda will be presented to the Mayor at the meeting.

#### 4. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of the 19<sup>th</sup> April 2012 will be circulated separately as part of an addendum at the meeting.

#### 5. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of the 19<sup>th</sup> April 2012 will be circulated separately as part of an addendum at the meeting.

#### 6. SCHOOL ADMISSION ARRANGEMENTS 2013/14

1 - 28

Extract from the proceedings of the Children & Young People Cabinet Member Meeting held on the 4<sup>th</sup> April 2012, together with a report of the Strategic Director; People (copies attached).

*Contact Officer:*     *Gil Sweetenham*                     *Tel: 29-3474*  
*Ward Affected:*     *All Wards*

#### 7. HOUSING ALLOCATION POLICY REVIEW

29 - 64

Extract from the proceedings of the Cabinet meeting held on the 19<sup>th</sup> April 2012 (to be circulated separately) and Report of the Strategic Director; Place together with an extract from the proceedings of the Housing Management Consultative Committee meeting held on the 19<sup>th</sup> March 2012 (copies attached).

*Contact Officer:*     *Sylvia Peckham*                     *Tel: 293318*  
*Ward Affected:*     *All Wards*

## COUNCIL

- 8. REVIEW OF CONSTITUTION** **65 - 270**
- Report of the Monitoring Officer (copy attached).
- Contact Officer:* Abraham Ghebre-Ghiorghis *Tel:* 29-1500
- Ward Affected:* All Wards
- 
- 9. REVIEW OF MEMBERS ALLOWANCES** **271 - 290**
- Extract from the proceedings of the Governance Committee meeting held on the 20<sup>th</sup> March 2012, together with a report of the Strategic Director; Resources (copies attached).
- Contact Officer:* Mark Wall *Tel:* 29-1006
- Ward Affected:* All Wards
- 
- 10. HEALTH AND SAFETY ANNUAL SERVICE PLAN 2012/13** **291 - 298**
- Extract from the proceedings of the Cabinet meeting held on the 22<sup>nd</sup> March 2012, together with a report of the Strategic Director; Place (copies attached).
- Contact Officer:* Roy Pickard *Tel:* 29-2145
- Ward Affected:* All Wards
- 
- 11. OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2012/13** **299 - 332**
- Extract from the proceedings of the Cabinet meeting held on the 22<sup>nd</sup> March 2012, together with a report of the Strategic Director; Place (copies attached).
- Contact Officer:* Nick Wilmot *Tel:* 29-2157
- Ward Affected:* All Wards
- 
- 12. CLOSE OF MEETING**

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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For further details and general enquiries about this meeting contact Mark Wall, (01273 291006, email [mark.wall@brighton-hove.gov.uk](mailto:mark.wall@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

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**We apologise for any inconvenience caused**

Date of Publication - Wednesday, 18 April 2012



Chief Executive

King's House  
Grand Avenue  
Hove  
BN3 2LS



26 April 2012

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>School Admission Arrangements for 2013/14 – Extract from the proceedings of the Children &amp; Young People Cabinet Member Meeting held on 4 April 2012</b>		
<b>Date of Meeting:</b>	<b>26 April 2012</b>		
<b>Report of:</b>	<b>Strategic Director; Resources</b>		
<b>Contact Officer:</b>	<b>Name: Mark Wall</b>	<b>Tel: 29-1006</b>	
	<b>E-mail: mark.wall@brighton-hove.gov.uk</b>		
<b>Wards Affected:</b>	<b>All</b>		

**BRIGHTON & HOVE CITY COUNCIL****CHILDREN & YOUNG PEOPLE CABINET MEMBER MEETING****1.00pm 4 APRIL 2012****COMMITTEE ROOM 3, HOVE TOWN HALL****MINUTES****Present:** Councillor Shanks (Cabinet Member)**Also in attendance:** Councillors A Norman and Mitchell**Other Members present:** Councillor Littman**PART ONE****43. PROCEDURAL BUSINESS****43(a) Declarations of Interests**

43.1 There were none.

**43(b) Exclusion of Press and Public**

43.2 In accordance with section 100A of the Local Government Act 1972 ("the Act"), the Cabinet Member considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(I) of the Act).

43.3 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the agenda.

**44. ITEMS RESERVED FOR DISCUSSION****44a Purpose of the Meeting**

- 44.1 The Managing Principal Lawyer and Legal Adviser to the meeting stated that she considered it would be helpful if she clarified the purpose of the meeting and set out the parameters of its decision making at the outset.
- 44.2 On 22 March full Council considered the admissions arrangements for the city. Admissions arrangements were specifically reserved to full council under the constitution. Today's meeting had been called in response to concern expressed at full council on 22 March, that there might be grounds to reconsider whether or not the boundary of the catchment area for Varndean/Dorothy Stringer should remain the same.
- 44.3 At Cabinet on 15 March 2012 it had been resolved that the proposal to alter the boundary between the catchment areas for Dorothy Stringer/Varndean and Blatchington Mill/Hove Park not be adopted for 2013/14, but be postponed until 2014/15 to allow for a wider consultation to take place, and that the existing boundary be retained for 2013/14.
- 44.4 At full Council on 22 March the admissions arrangements were adopted with the boundary remaining the same.
- 44.5 However, in the light of the concern expressed that this issue needed to be looked at in more depth, it was agreed to convene a special CMM where this specific issue would be the sole agenda item. Members had before them the appendices and report which went to full Council and the Cabinet Member could consider whether there was information which warranted looking at this issue again. Thus the Cabinet Member would need to decide having considered the report (Item 51 on that afternoon's agenda) whether or not to resolve to recommend to full Council to redraw the boundary for the Dorothy Stringer/Varndean and Blatchington Mill/Hove Park catchment area for school admissions in 2013/14. Whilst in no way wishing to pre-empt the decision of the Cabinet Member, but in order to be clear about the parameters of this meeting and next steps, in the event that this was the resolution of the Cabinet Member, this meeting did not have the power to change the boundary, it had the power to recommend that this was an agenda item at full Council and to recommend to full Council that the boundary should be changed. It would then be a matter for full Council as to whether or not to resolve that the boundary was changed for admissions in 2013/14.
- 44.6 The issue then arose as to how and when full Council could be convened. By regulation Local Authority's were required to set their admissions criteria by 15 April 2012. If this boundary was to be reconsidered this meant that to comply with regulations the latest that this could be considered by full Council on 12 April. This would require there to be a Special Council called at short notice, which would require the agreement of 6 Members or the Mayor or the Chief Executive. It would be most unfortunate if a specially convened meeting was to be held on or before 12 April as it would have to be on short notice and fell during the school holidays. A full Council meeting was already scheduled for 26 April. Were this item to go to that agenda, then it would mean the Local Authority would be late by 10 days in setting the admissions criteria, but it would also mean that proper notice of the meeting could be given, and it would take place in term time when parents were more likely to be aware of it. Since the admissions criteria related to 2013/14 and all other issues relating to admissions had been agreed, on balance she



considered that it would be reasonable to delay setting the criteria for 10 days and to ensure that the public and members would have proper notice of the meeting.

- 44.7 If the view was reached that there was no need to reconsider the current boundary, the above advice would not apply, it was considered however, that it would be helpful to set out the parameters of the meeting at the start.

#### **44b Items Reserved for Discussion**

- 44.8 **RESOLVED** – That all items be reserved for discussion.

#### **45. PUBLIC QUESTIONS**

- 45.1 There were none.

#### **46. PETITIONS**

- 46.1 The Cabinet Member for Children and Young People considered the following petitions which were set out in circulated report of the Strategic Director, Resources. Each petitioner had a period of up to three minutes to amplify on their petitions.

#### **46(a) Petition – Change to Dorothy Stringer/Varndean Catchment Area to Include East of Dyke Road for 2013/14 Intake, do not postpone the Decision Until 2014/15**

- 46.2 Ms Sylvester presented a petition signed by 317 people as set out below and referred from the meeting of Council held on 22 March 2012: Ms Sylvester stated that since the meeting of Council she had collected more signatures and that the total now stood at 517 and growing, now around 1,200.

“We the undersigned petition the Council:

As Brighton and Hove City Council have already highlighted there are issues for children travelling to Hove Park. They are not able to attend extra curriculum clubs and socialise with their peers after school. We want our children to be able to walk to their local schools and remain in their community. There is no point in postponing this decision as it is just delaying the solution and affecting the education of even more people in the process. To give us hope and an opportunity to consult on this issue and then to delay the decision and deny the current Year 5 students this option would be unfair! A decision needs to be made now! “

- 46.3 Ms Sylvester thanked the Cabinet Member for agreeing to hold the special meeting. She explained that she was presenting the petition in favour of expanding the Dorothy Stringer/Varndean catchment area to the east Dyke Road for September 2013 as this decisive action would allow their community’s children to walk to Brighton schools rather than having to cross the city by bus to Hove. She and those supporting her petition considered that the straightforward changes proposed would result in the following benefits:

- give local children access to local schools they can see from their homes
- increase the number of children walking/ cycling to school, thereby, meeting the council’s sustainability priorities

- enable children to attend after-school clubs at their secondary school
- be mindful of a local community's need to stay together
- give more children the chance to make the transition to secondary school with friends
- cut down on pollution and improve fitness
- alleviate mounting pressure on school places in Hove secondary schools
- reduce the time, cost, resource and grave anxiety associated with appeals and further consultation

46.4 The petition showed that there was overwhelming support in the area affected and that it continued to grow. they believed that there was a clear mandate to change the boundary for the 2013/14 secondary school intake, it represented a sensible decision. Decisions were not made on referendums, however, these issues had been raised previously, five years ago and it was hoped that they would be listened to now. Ms Sylvester quoted from the Council's own consultation document which stated that:

*"..experience has shown that families living between the railway line and Dyke Road find travelling to Hove Schools (particularly Hove Park Lower School) problematic. The council currently supports a bus service..., but any child relying on this service is unable to attend after school activities."*

46.5 Ms Sylvester stated that in the petitioners view sending children to their fifth and sixth closest schools made no sense. This boundary change would not solve the citywide school place issue, but would be a quick and effective way of taking action on Hove's ticking school place timebomb. It would avoid the brinkmanship involved the following year when places were predicted to have run out. It was also a well-timed and useful way to correct an anomaly which had caused an entire community great difficulty, the petitioners believed that the numbers stacked up and that there would be sufficient places in the Dorothy Stringer/Varndean catchment area.

**The petitioners believed the numbers stacked up because:**

- this boundary change was originally proposed by the council!
- places at Dorothy Stringer had been increased to 330
- Varndean had placed 54 children out of catchment this year
- Cardinal Newman would continue to hive off a proportion on children
- If a sibling link was honoured in this area, to help families who already have children in Hove schools, it would reduce any initial impact
- Concerns over numbers could be addressed by limiting the area affected to Map 1.

46.6 The consultation proposal had looked at returning people to the catchment that they campaigned to keep five years ago. It was the natural choice for this slice of Brighton; families with sight of Brighton schools. There were children in Year 5 waiting to hear if they will be able to walk to a school in a familiar neighbourhood. Their lives would be changed for the better by a simple boundary change from this consultation. If a positive change was made now without delay.

46.7 The Cabinet Member thanked Ms Sylvester for her petition advising her that she would receive a copy of the minutes of the meeting in due course.

46.8 **RESOLVED** – That the petition be received and noted.

**46(b) Petition-Opposition to Proposed Boundary Changes: Dorothy Stringer/Varndean Catchment Area to Include East of Dyke Road for 2013/14**

46.9 Mr Graham-Rowe presented a petition signed-by 22 people stating that:

We the undersigned request:

“In response to the campaign in favour of moving the Dorothy Stringer/Varndean catchment to include families living east of Dyke Road we invite you to sign our petition opposing this change. There has been a lot of misinformation put out about this complex issue and we encourage you to (read on) and hear the other side. There is an assumption that all Stanford parents should support these changes, but actually if this goes ahead it will have a negative impact on many children attending Stanford. So please help. Rather than vilifying local schools we should be giving them support and addressing the issues that will help improve them.”

46.10 Mr Graham-Rowe stated that unfortunately this issue had split the community. Many of the comments parents had made to support their reasons for wanting the boundary moved his petitioners agreed with. Everyone wanted local community secondary school their children could go to after leaving Stanford Juniors. In an ideal world this local school would be in a central location to the Hove/Brighton border and all children from Stanford would be in the same catchment. All the Stanford children could walk to this school together in the morning and get home safely on foot after their afterschool clubs, even in the cold dark winter months. However, realistically there was no such school (unless Cardinal Newman suddenly had a change of policy). A number of parents had always been aware of and accepted the catchment area that they lived in and had openly accepted that their children would go to one of the secondary schools in that catchment area, along with a reasonable number of their peers/friends from Stanford. However, many parents from Stanford weren't willing to accept the catchment area that they were in but at the same time were unwilling to move. He considered that this wish to move the catchment might be beneficial to them but would actually have a negative impact on children who fell outside the proposed boundary extension.

46.11 He considered that most of the parents petitioning hard to get the boundary changed were doing so as they didn't want their children to go to Hove Park School. Not just because it is far away but because they believed it was not good enough for their children. Their wish not to have their child go to Hove Park would mean that the children at Stanford who do not live in the proposed extension catchment area would not only have to travel a long distance to Hove Park but do so with few if any friends. He knew this was the case as he already has a daughter at Hove Park, allocated a place in Hove Park by the lottery system, when all her friends got Blatchington Mill. He strongly supported the lottery system, but the fact was that she was having a very difficult time there as all the other children have arrived there in big groups of friends from the surrounding schools and she is the odd one out. If the boundary goes ahead it is very likely that this will happen again for their second daughter regardless of whether she got into Blatchington Mill or Hove Park as she only had one friend from Stanford who lived beyond the proposed extension. As feelings had been running so high many parents with an opposite view had felt intimidated and had either been unwilling to sign or had wanted to sign anonymously. He wished to point out that the petition which had been set

up to by a handful of mothers that either did not work or did so part-time. He on the other hand worked full time and couldn't compete with the amount of time he could invest in this petition. Besides collecting signatures from parents they had been knocking on doors collecting signatures from people with no children, who had no clue or even interest in repercussions of these changes.

46.12 The Cabinet Member thanked Mr Graham-Rowe for his petition advising him that he would receive a copy of the minutes in due course.

46.13 **RESOLVED** – That the petition be received and noted.

#### **47. DEPUTATIONS**

47.1 The Cabinet Member considered two Deputations as set out below. Each depute had a period of up to five minutes to speak to their Deputation.

#### **47(a). Deputation in Support of Considering and Making Changes to the Proposed Boundary Extension (in Support of the Petition Received at Council on 22 March 2012)**

47.2 Ms Sylvester presented the following Deputation in support of making changes to the catchment area boundary for Dorothy Stringer/Varndean for 2013/14 to take in an area to the East of Dyke Road.

47.3 Ms Sylvester stated that she had sympathy with anyone making decisions relating to school places. Clearly, you were never going to please all the people, all the time. However, she urged that consideration be given to the overwhelming support for this boundary change from families who actually lived in the area affected, between the railway line and Dyke Road. Her group represented the majority view.

Inevitably, people objecting to the change live outside of the area and generally fall into one of two categories:

1. they were concerned about protecting places at Dorothy Stringer and Varndean or,
2. they had an older child already at a Hove school and wanted to secure a friendship group for their younger child, even if this meant an entire community traversing the city to keep them company.

47.4 Whilst these motivations were understood they did not take account of the implications for the local community, nor the developing picture for the city's schools where there was more room in one catchment (Dorothy Stringer/Varndean) and increasing pressure on another (Hove Park/Blatchington Mill). It had been suggested that this boundary change would cause division. Stanford Juniors was divided. It was slap-bang on the catchment boundary and had 96 children split between 11 different schools and had had to deal with up to 20 appeals in past years. Division and dissatisfaction exist already existed. It was tough on families and unbearable for children, split from friends and sent miles from their community. This boundary change would redress the balance, sending more Brighton children to Brighton schools. The boundary change dealt mainly with the Port Hall area however, going forward, the future Stanford school community was only likely to be the Port Hall area because of a dramatically shrinking catchment. The

previous year, families living roughly 600 metres away from the Infants School in Chatsworth Road, within Port Hall itself, had been denied places. Families keen for their children to go to Hove schools with larger friendship groups would have them – from the Hove junior schools they would be attending. Sending children from this community to Hove schools would make even less sense in the future.

- 47.5 The bus service from the area to Hove schools was inadequate and children could not participate in after school clubs. There was a misconception that a further influx of Stanford School families would fix an issue that had not been successfully addressed for five years, the solution was that the solution proposed by the council to send our local community back to local secondary schools. Local children would have an opportunity to walk, in groups, along safe routes to their closest schools. It would be naïve to imagine that there won't be *occasional* car runs, however, this paled into insignificance compared to daily bus journeys and car journeys of double the distance to pick up children stranded over in Hove. This did not amount to vilifying schools that they could not walk to. Essentially, the neighbouring dual catchment areas were not very different. They each had one school that had traditionally performed reasonably well and another that was improving. If their calculations were correct, primary schools in Hove had been expanded to take an additional 270 children this year. These children were going to need secondary school places. Just as bussing in 277 children from over three miles away to Cardinal Newman on their doorstep was irritating, they wouldn't blame the Hove community for feeling the same way about them. Her group had done their best to engage direct people to the council's consultation and make their views known. There was heartfelt support for this boundary change. However, the boundary change wouldn't just help this particular community; it would deliver outstanding benefits from a sustainability, community and citywide perspective. They wanted their children to walk to their local school, participate in after-school clubs and make the tricky transition to secondary school with friends.
- 47.6 The Cabinet Member thanked Ms Sylvester for her Deputation, the contents of which were received and noted.
- 47.7 **RESOLVED** – That the content of the Deputation be received and noted.
- 47(b) Opposing the Request set out in the Petition Considered at Council on 22 March 2012: The Case for Keeping the existing Boundary**
- 47.8 Mr Graham-Rowe presented the following Deputation in opposition to that requesting changes to the catchment area boundary for Dorothy Stringer/Varndean for 2013/14 to take in an area to the East of Dyke Road as requested by Ms Sylvester.

“We request that the Special Meeting of the Children and Young People's Cabinet Member Meeting vote to keep the existing school catchment boundary for Dorothy Stringer and Varndean, on the grounds that it will not solve any of the problems expressed by parents in the proposed area. Instead it will only serve to isolate some children, hamper efforts to improve public transport to Hove Park and Blatchington Mill, increase traffic between Porthall and Dorothy Stringer, adding to an existing bottleneck on South Road and undermine the very principle of “Every child matters” by creating a two-tier education system. “

47.9 Mr Graham-Rowe re-iterated his earlier comments that it was regrettable that this issue seemed to have split the local community, especially as both groups were broadly in agreement. Mr Graham-Rowe spoke to two circulated A4 sheets in support of his Deputation. He stated that there was a little questioned claim that Dorothy Stringer was the local school for the Port Hall community (but not for those outside Porthall). There were several places in the disputed area where it was true that Dorothy Stringer was the nearest school but equally there were places where Hove Park Upper School and Blatchington Mill were an equal or even shorter walking distance away. By way of example Mr Graham-Rowe stated that he had taken two random addresses within the area were one in Exeter Street and one in Tivoli Crescent and had used Google Maps to chart the estimated walking distance and times to make a crude but illustrative comparison. This information showed clearly that, with the exception of Hove Park Lower School, there was not much difference between the distance of the schools in the two catchments and that the difference in walking time was a matter of a few minutes. The notion that Dorothy Stringer was in any way more “local” was a myth. The fact was that you had to walk (or drive) to Dorothy Stringer and Varndean from the area because there were no buses, not that it was not possible to walk to Blatchington Mill or Hove Park Upper School. The “fly in the ointment” related to Hove Park Lower School.

47.10 The fact that many residents saw Dorothy Stringer and Varndean from their homes was at least partly due to the fact that Porthall was built on a hill rather than due to close proximity. This added to the illusion of the schools being much nearer. It also seemed to have been forgotten that the year before the introduction of the lottery system, there had been much upset in the Port Hall area as several children had not been living close enough to Dorothy Stringer and Varndean to gain places there, they had not been local enough then either.

47.11 The Cabinet Member thanked Mr Graham-Rowe for his Deputation the contents of which were received and noted.

47.11 **RESOLVED** – That the content of the Deputation be received and noted.

#### **48. LETTERS FROM COUNCILLORS**

48.1 There were none.

#### **49. WRITTEN QUESTIONS FROM COUNCILLORS**

49.1 There were none.

#### **50. NOTICES OF MOTIONS**

50.1 There were none.

#### **51. SCHOOL ADMISSION ARRANGEMENTS 2013/14**

51.1 The Cabinet Member, Children and Young People considered the re-circulated report of the Strategic Director, People relative to the proposed school admission arrangements for 2013/14. The Cabinet Member explained that the recommendations set out in the original report had been agreed by the meeting of Cabinet held on 15 March and were then forwarded to the meeting of Full Council held on 22 March 2012. At the meeting of

Council held on 22 March agreement had been given to all of the recommendations with the exception of that relating to the consultation process in relation to the boundaries of the catchment areas for Varndean and Dorothy Stringer Schools. In consequence of the comments made by Councillors at that meeting of Council she had agreed to an urgent special Cabinet Member meeting being called in order to consider the points raised.

- 51.2 The Strategic Commissioner, Planning and Contracts, Learning and Partnership gave a presentation by reference to maps, setting out the existing and proposed catchment area boundaries. The area marked yellow indicated the area referred to in the petition submitted requesting that the Dorothy Stringer/Varndean catchment areas be changed to include the area east of Dyke Road for the 2013/14 intake rather than a decision on this matter being postponed until 2014/15 pending the outcome of a further consultation process. The Strategic Commissioner went on to explain that the secondary admissions process had begun in 2006. It had been designed to provide a local school or schools for all children within the city. The system was dependent on the catchment areas “catching” and had been designed for the numbers of children in each area at that time. Random allocation was used as the tie breaker for oversubscription to any school.
- 51.3 The present situation was that although the numbers in the catchment areas had begun to change even in the current year less than 60 children had been directed to schools not identified as one of their preferences. The prime role of the local authority was to provide sufficient places for children within the city. There were at present 2400 secondary places in Year 7, by 2014/15, 2417 places would be needed and it was anticipated that this figure would increase year on year for the foreseeable future.
- 51.4 The proposal under discussion, to increase the Dorothy Stringer/Varndean catchment area for 2013/14 recognised that there had been a change in numbers in the catchment area requiring more places in the Blatchington Mill/Hove Park area. If the proposal was accepted it would balance the numbers in the Blatchington Mill/Hove Park and Dorothy Stringer/ Varndean catchment areas for the immediate future, but would not resolve the long term need for more places in the city as a whole. Whatever secondary catchment areas were determined, children at relevant primary schools would still be going to a wide range of different schools dependant on where they lived, as primary schools were not linked to secondary schools.
- 51.5 Councillor Mitchell stated that it was regrettable that there appeared to be division within the local neighbourhood on this issue and that the qualitative arguments on both sides had not emerged until now, and was of the view that a measured debate needed to take place in relation to the issues raised. Councillor Mitchell sought clarification regarding the manner in which the latest consultation process had taken place considering that it was regrettable that individual households that not been consulted i.e., via a leaflet drop. The Strategic Commissioner explained that although a door to door consultation had not taken place, the consultation process had been publicised by a number of means, several public meetings had also taken place.
- 51.6 Councillor A Norman was in agreement stating that it had become apparent during the 2006 consultation process that information provided via school, did not always reach home and that in consequence parents may not have been fully aware of the consultation process. She considered it unfortunate therefore that the consultation process had not been more exhaustive. The issues raised at Council which had given rise to that afternoon’s special meeting had been raised before and having been raised

again and in the light of the supporting information given, she considered that that this issue should be re-visited. Whilst it was regrettable that there were differing views within the area she supported a re-drawing of the catchment boundary to encompass that shown on the illustrative plans presented at that afternoon's meeting. Hove Park was an improving school, however, transport to the school from the area was inadequate and prevented pupils from the area from engaging fully in activities available at the school, this issue needed to be addressed irrespective of the decision reached.

- 51.7 Councillor Mitchell sought clarification of the potential impact of the changes, also the period for which they would remain in place and whether the provision of a Church of England Secondary school would impact on this. The -- explained that in the case of free/faith schools, the Local Authority had no control over the selection of pupils, they had their own admissions criteria and tended to draw pupils for a wider area than the immediate geographical locality. Admission arrangements, although reviewed annually were designed to have sufficient flexibility to absorb demographic changes over a five year period, the Local authority had to ensure that there were a sufficient number of school places available across the city overall. Councillor Mitchell was in agreement with Councillor Norman that irrespective of any decision reached in relation to the catchment area boundaries, issues raised concerning provision and running times of the school bus needed to be addressed.
- 51.8 Councillor Shanks stated that in her role as Cabinet Member having considered the submissions made and additional information placed before her that afternoon, that she was minded to refer the matter back to the meeting of Council scheduled for 26 April with a recommendation that changes to the existing catchment area boundaries be made to include the area to the east of Dyke Road in the catchment area for Dorothy Stringer/Varndean for 2013/14; with any commensurate changes to the boundaries for Blatchington Mill/Hove Park. Councillor Shanks also sought confirmation whether of any further amendments that would be required and the Strategic Commissioner, confirmed that if the recommendation was agreed, retention of a sibling link for the resulting catchment area would need to be retained for a further five year period.
- 51.9 **RESOLVED TO RECOMMEND:** That approval be given to alter the boundary between the catchment areas for Dorothy Stringer/Varndean and Blatchington/Mill Hove Park for 2013/14 as indicated by the yellow area on the indicative plan; the Dorothy Stringer/Varndean catchment area to include the area to the east of Dyke Road. Commensurate with that the sibling link to be retained for a five year period to expire in 2018/19.

The meeting concluded at 2.00pm



26 April 2012

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>School Admission Arrangements for 2013/14</b>		
<b>Date of Meeting:</b>	<b>26 April 2012</b>		
<b>Report of:</b>	<b>Strategic Director; People</b>		
<b>Lead Cabinet Member:</b>	<b>Cabinet Member for Children &amp; Young People</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Gil Sweetenham</b>	<b>Tel:</b> <b>293433</b>
	<b>E-mail:</b>	gil.sweetenham@brighton-hove.gov.uk	
<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No:</b>	
<b>Wards Affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 On 22 March 2012 full Council considered the admissions arrangements for the city for admissions in 2013/14. Admissions arrangements are specifically reserved to full council under the constitution.
- 1.2 In considering the secondary school admission arrangements particular consideration had been given as to whether or not to change the boundaries of the Dorothy Stringer/Varndean and Blatchington Mill/Hove Park catchment areas, as further detailed in the body of this report, below .
- 1.3 On 15 March 2012 the Cabinet considered the secondary school admissions arrangements, including the boundaries of these catchment areas. Cabinet resolved that the proposal to alter the boundary between the catchment areas for Dorothy Stringer/Varndean and Blatchington Mill/Hove Park not be adopted for 2013/14, but be postponed until 2014/15 to allow for a wider consultation to take place, and that the existing boundary be retained for 2013/14.
- 1.4 On 22 March 2012 the admissions arrangements were adopted by full council with the boundaries unchanged. However concern was expressed at full council that there might be grounds to reconsider whether or not the boundary of the catchment area for Varndean/Dorothy Stringer should be changed for school admissions in 20-13/14.
- 1.5 In the light of the concern expressed that the issue needed to be looked at in more depth, it was agreed to convene a special CMM where this specific issue would be the sole agenda item. As a result a Special CMM was held on 4 April 2012 in order for the Cabinet Member for Children's Services to consider whether there was information which warranted looking at this issue again. The Cabinet Member was asked to consider whether or not to resolve to recommend to full Council to redraw the boundary for the Dorothy Stringer/Varndean and Blatchington Mill/Hove Park catchment area for school admissions in 2013/14. The Cabinet Member did not have the power to change the boundary, but only the power to recommend that this was an agenda item at full Council and to

recommend to full Council that the boundary should be changed. It would then be a matter for full Council as to whether or not to resolve that the boundary was changed for admissions in 2013/14.

- 1.6 It was resolved at the CMM meeting to recommend to Council that approval be given to alter the boundary between the catchment areas for Dorothy Stringer/Varndean and Blatchington/Mill Hove Park for 2013/14 as indicated by the yellow area on the indicative plan; the Dorothy Stringer/Varndean catchment area to include the area to the east of Dyke Road. Commensurate with that the sibling link to be retained for a five year period to expire in 2018/19.
- 1.7 The City Council must have reached its decisions and confirmed its admission arrangements for 2013/14 by 15<sup>th</sup> April 2012 in order to conform to the requirements of the School Admissions Code. However in view of the recommendation that the boundaries of two key catchment areas should be re-considered by full council, and in order that this proposal could be considered on proper notice, and during school term time, it was considered that on balance the issue should be considered by full council on 26 April, so providing for proper notice.

## **2. RECOMMENDATIONS:**

- 2.1 That Council consider the recommendation to approve the changing of the catchment areas for Dorothy Stringer/Varndean and Blatchington/Mill Hove Park for 2013/14 as indicated by the yellow area on the indicative plan ( Appendix 1); the Dorothy Stringer/Varndean catchment area to include the area to the east of Dyke Road.
- 2.2 That Council approve the retention of the sibling link to Blatchington Mill and Hove Park for any changed area be retained for a five year period to expire in 2018/19.

## **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Each year local authorities must consult upon school admission arrangements and school admission numbers with community schools and voluntary aided schools, neighbouring Local Authorities and with parents living in the City. This process includes the proposed admission priorities for community schools and those proposed by the governing bodies of voluntary aided schools and academies. This consultation takes place approximately 18 months in advance of the school year in which pupils will be admitted under the proposed arrangements. The consultation paper is attached at Appendix 2. This included the detailed proposals for changes to the boundaries.
- 3.2 The consultation process must have been concluded by 1<sup>st</sup> March 2012, with a minimum of 8 weeks consultation time. This requirement was fulfilled
- 3.3 The consultation paper was sent to all schools across the city (including both primary and secondary) for onward dissemination to parents. In addition the consultation paper was placed on the council's consultation portal. There were two drop in sessions ( at the Jubilee library and the Hove Sainsbury's ) , and there

were 12 focus sessions offered in primary schools across the city ( two in each catchment area).

- 3.4 The annual consultation process this year included more detailed questions seeking views on how well the secondary admissions system works. This consultation asked for views from parents, schools and school governors in the usual way, but also asked a number of more specific questions about the oversubscription priorities and catchment areas. Parents were also encouraged to use the free text part of the response form to comment more generally about the community secondary admission arrangements.
- 3.5 As seen in Appendix 2 the consultation document included proposals to change the current catchment areas for Dorothy Stringer/Varndean, Blatchington Mill/Hove Park and Portslade Aldridge Community Academy. Responses to the Admissions consultation for 2013/14 were reported to Cabinet on 15<sup>th</sup> March and to Council on 22<sup>nd</sup> March. These responses are considered in more detail below.
- 3.6 On 15 March the cabinet considered school admissions and specifically the issues relating to these boundaries. At that time the report to cabinet recommended **that** the proposal to alter the boundary between the catchment areas for Dorothy Stringer/Varndean and Blatchington Mill/Hove Park not be adopted for 2013/14 to allow for a more detailed consultation process, and that recommendation was accepted, as indicated above.
- 3.7 Following the closure of the consultation period a number of further responses were received including two deputations and two petitions. These were split for and against the boundary change.
- 3.8 Concern was expressed at full council on 22 March, that there might be grounds to reconsider whether or not the boundary of the catchment area for Varndean/Dorothy Stringer should remain the same. In the light of the concern expressed and the petitions received it was agreed that this issue needed to be looked at in more depth. It was agreed to convene a special CMM where this specific issue would be the sole agenda item.
- 3.9 The two petitions and two deputations were presented to the special CMM held on 4<sup>th</sup> April. The text of those petitions is appended, at APPENDIX 3. At this meeting the Cabinet Member, Children and Young People considered the re-circulated report of the Strategic Director, People relative to the proposed school admission arrangements for 2013/14.
- 3.10 The Cabinet Member having considered the submissions made and the subsequent discussion agreed to refer the matter back to the meeting of Council scheduled for 26 April, with a recommendation that changes to the existing catchment area boundaries be made to include the area to the east of Dyke Road in the catchment area for Dorothy Stringer/Varndean for 2013/14; with any commensurate changes to the boundaries for Blatchington Mill/Hove Park. In addition she recommended that in the event the boundaries were changed the retention of a sibling link for the resulting catchment area would need to be retained for a further five year period.
- 3.11 All schools in the city are being advised that consideration of changes to these boundaries will be considered at full council on 26 April.

#### **4. BOUNDARIES UNDER CONSIDERATION**

- 4.1 The proposal to increase the Dorothy Stringer/Varndean catchment area for 2013/14 which went to consultation had been developed in recognition that there had been a change in numbers in the catchment area requiring more places in the Blatchington Mill/Hove Park area. If the proposal was accepted it would balance the numbers in the Blatchington Mill/Hove Park and Dorothy Stringer/Varndean catchment areas for the immediate future.
- 4.2 In addition there are long standing concerns regarding the impact of the current catchment areas on the Port Hall area of the city. Children living in this area currently sit in the catchment for Hove Park and Blatchington Mill.
- 4.3. The proposal which went out to consultation was as follows:

“The proposal is to shift the boundary of the dual catchment area westwards so that the boundary between the two catchment areas would be Dyke Road, with families to the east of Dyke Road falling in the catchment area for Dorothy Stringer and Varndean, and families to the west falling into the area for Blatchington Mill and Hove Park. “
- 4.4 Specifically the boundary recommended for consideration is that the boundary between the catchment areas would be Dyke Road as far as the Brighton-Worthing railway line. The boundary would continue along this railway line as far as Brighton Station, where it would continue down West Street (the current boundary)- this affects the area shown in map 1 of Appendix 2.
- 4.5 The results of the consultation were split. The Council received 49 e-mails from parents opposing the possible expansion of the Dorothy Stringer/Varndean catchment area and 51 e-mails from parents supporting this.
- 4.6 In addition the council received a detailed response from Patcham High School Governing Body. This raised a number of issues regarding the number of pupils within catchment areas and the future provision of secondary places within the City. Patcham High School requested a further consultation period to involve detailed modelling of the impact of any changes to the DS/BM boundaries. The consultation responses are available for inspection by members.
- 4.7 Another issue which had been raised prior to, during, and post the consultation was in relation to the number of secondary schools being allocated to children currently attending Stamford Juniors. Stamford Juniors serves many pupils living in the Port Hall area of the city. Currently pupils from Stamford Juniors can be allocated places at any one of the nine schools in the city, (including Cardinal Newman). This concern has been considered. In reality irrespective of whether or not the relevant boundaries are changed as primary schools are not linked to secondary schools, and the transfer to secondary school will depend on the locality of the child's home in relation to their catchment area, rather than the locality of their primary school it remains inevitable that children at some relevant primary schools will still be going to a wide range of different schools, dependant on where they live.
- 4.8 Some of the consultation responses raised issues about the overall impact on places available within the city. Currently the catchment areas either as currently

drawn or with the proposed changes to the boundary have sufficient places for the potential pupils within those areas, or to put it another way the catchment areas do catch. The boundaries of the catchment areas will not resolve the long term need for more places in the city as a whole.

- 4.9 Post the consultation period the petitions and deputations received at the CMM on 4 April indicate that as seen in APPENDIX 3 there are still strong feelings on all sides of the debate about how these catchment areas should be drawn.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 It is not possible to quantify in detail the financial implications of these recommendations. However, any changes to admission arrangements or patterns may impact on the numbers of pupils at individual schools and therefore individual school budget allocations which are largely driven by pupil numbers.

*Finance Officer Consulted: Louise Hoten*

*Date: 06/03/2012*

### Legal Implications:

- 5.2 Section 88C of the School Standards and Framework Act 1998 as amended by the Education and Skills Act 2008 requires admission authorities to determine before the beginning of the school year, the admission arrangements which are to apply for that year. The determination must be preceded by consultation with the Governing Bodies of Schools within the area of the LA for which the LA is the admission authority, with parents and with neighbouring admission authorities. Consultation must be completed by 1<sup>st</sup> March in the year preceding the admission round, and should be for a period of no less than 8 weeks. Admission Authorities must determine their admission arrangements following that consultation by 15<sup>th</sup> April. Admission arrangements must conform to the Admissions Code which sets out acceptable and unacceptable admission arrangements and priorities. The new School Admissions Code 2012 came into force on 1 February 2012 and applies to admission arrangements for the 2013-2014 academic year. The new Code now provides that any person or body who considers that any maintained school admission arrangements are unlawful, or not in compliance with the Code relevant law relating to admissions can make an objection to the Schools Adjudicator.

*Lawyer Consulted: Serena Kynaston*

*Date: 17.04.2012*

### Equalities Implications:

- 5.3 Planning and consultation for school admissions procedures and school places and the operation of the admission process are conducted in such a way as to avoid potentially discriminatory admissions priorities or planning processes. The city council and voluntary aided school and academy governing bodies must be mindful of bad practice with regard to equalities issues as described in the School Admissions Code of Practice.

#### Sustainability Implications:

- 5.4 School admission arrangements are intended so far as it is possible to provide pupils with local places where they have asked for them. The planning of school places for the City takes into account the changing population pattern and resultant demand for places. The current pattern of parental preference is reflected in different schools operating both over and under capacity. In planning for school places the Council will have regard to sustainability priorities and seek to provide local places and places which are accessible by safe walking and where possible cycling routes and public transport wherever this is possible.

#### Crime & Disorder Implications:

- 5.5 Balanced school communities with firm parental support contribute to orderly and harmonious communities.

#### Risk and Opportunity Management Implications:

- 5.6 Any change to school attendance patterns and pupil numbers will impact directly on resource allocation both revenue and capital, and on the Council's ability to meet parental expectations on school places. Pupil data and broader population data is used to identify the numbers of school places required and where they should be located. This feeds into the capital programme so that resources are allocated where they will have the most beneficial effect.

#### Corporate / Citywide Implications:

- 5.7 The allocation of school places affects all families in all parts of the City and can influence where people choose to live. Failure to obtain the desired choice of school can create a strong sense of grievance. The process of expressing a preference and if disappointed, entering an appeal can create intense anxiety for many families in the City. Admission arrangements together with school place planning are framed in such a way as to be mindful of supporting the needs of communities.

### **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The only alternative option would be for the existing catchment area to remain in place for 2013/2014.

### **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The City Council must conform to legislative requirements on the publication of admission arrangements which reflect the requirements of the Admissions Code. The recommendations ensure the City Council's compliance, and reflect the body of debate and consultation which has taken place around admission arrangements in Brighton & Hove this year and in previous years.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Indicative Catchment area plan
2. Consultation Document
3. Petitions text

### **Documents in Members' Rooms**

None.

### **Background Documents**

None











## **SCHOOL ADMISSIONS CONSULTATION WITH PARENTS AND CARERS Admission Arrangements for Brighton & Hove Schools 2013/14**

### **Final admission arrangements and right of objection**

Once the Council, Academies and Voluntary Aided schools have determined their admission arrangements following this consultation, the Council will publish a public notice in the Argus newspaper before 1 May 2012 confirming those arrangements and setting out where they can be viewed. Once they have been published then parents and carers will have a right of formal objection to the Schools Adjudicator. Details of that objection process will be given in the public notice.

### **Secondary Schools – Special Consultation for 2013/14**

Although there is a consultation process every year about the admission arrangements for Community Secondary Schools, this year the Council is asking more detailed questions seeking your views on how well the system works. When the Schools Adjudicator agreed to the current community secondary school admissions arrangements which were introduced in 2008, he recommended that a review should take place in 2012. This consultation will therefore be asking for views from parents, schools and school governors in the usual way, but it will also be asking a number of more specific questions about the oversubscription priorities and catchment areas. Parents are also encouraged to use the free text part of the response form to comment more generally about the community secondary admission arrangements.

The Council uses a catchment area system with random allocation being used as the tie breaker in each admission priority in the event of oversubscription. These arrangements are also used by Brighton Aldridge Community Academy and the Portslade Aldridge Community Academy. Cardinal Newman Catholic Secondary School has its own admission priorities which it is consulting on separately (please visit [www.brighton-hove.gov.uk/schooladmissions](http://www.brighton-hove.gov.uk/schooladmissions) for details).

The over subscription priorities are applied in the context of an equal preference system as required by the School Admissions Code. They are:

1. Children in the care of a local authority (looked after children).
2. Compelling medical or other exceptional reasons for attending the school (including children adopted away from their birth families).
3. A sibling link applied for those living within the designated catchment area only.
4. Those pupils living in the designated catchment area for the school(s).
5. Other children.

Within all these priorities, the tie break is random allocation.

The new (draft) School Admissions Code requires that priority 1 (Children in the care of a local authority) be extended to cover 'children who were looked after, but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order). These children will therefore be included in this priority and priority 2 will cease to include adopted children.

The current catchment areas are set out in the [attached map](#). It also includes information about which post codes are in each of the catchment areas.

#### Background to the school catchment areas

The design of the catchment areas was based around the numbers of children living within the boundary and the number of places available at each school. Two catchments include two schools (Hove Park/Blatchington Mill and Varndean/Dorothy Stringer). Since the catchment areas were adopted it would have been possible to offer every pupil a place in their catchment area school, or in the dual catchment areas a place at one of the catchment schools in every admission year. In a few cases a place was not offered in the dual catchments because the applicant only gave one of the two schools as a preference, and that school was over subscribed. The catchments have therefore met the number of requests for places from children within the catchment area. Following a further consultation overseen by the Schools Adjudicator the catchment area for Patcham High School was changed to include Westdene, which had previously been in the Hove Park/Blatchington Mill catchment.

#### Proposal to change make changes to the current catchment areas for Dorothy Stringer/Varndean, Blatchington Mill/Hove Park and Portslade Aldridge Community Academy

Proposals have been put forward to alter the boundary between the catchment areas for Dorothy Stringer/Varndean and Blatchington Mill/Hove Park. [Proposal](#), [Map1](#) [Map2](#) & [Map3](#)

A separate proposal has been put forward to alter the boundary between the catchment areas for Portslade Aldridge Community Academy and Blatchington Mill/Hove Park. [Proposal](#), [Map](#)

Your comments are invited on both proposals.

#### The sibling link

Up until the proposed admission arrangements for 2013/14, the sibling link has been applied as an oversubscription priority to all secondary school applications regardless of home address. For example, a child living in the catchment area for say Varndean would have priority for admission to Longhill if they had a sibling already attending that school, and who would be there when the new pupil was due to start. At the time that the current secondary admission arrangements were adopted, it was decided that with effect from 2013/14 the sibling priority would only apply as an oversubscription priority within the designated catchment area for a child's home address. This delay in changing the sibling priority was intended to allow the link to be applied across catchment areas for those children already in secondary school at that time, as their parents/carers may have previously accepted places at schools anticipating that the sibling link would apply regardless of home address. The delay allowed those links to work through. It is proposed that the sibling link will only be applied as a priority within catchment areas from 2013/14.

The Westdene area of the City was switched from the Hove Park/Blatchington Mill catchment to the Patcham catchment area after the new admissions arrangements

had been implemented. As a result those living in Westdene will have the cross city sibling link allowed for one extra year (2013/14 admissions). Should the proposals above regarding catchment area changes be adopted, it is envisaged that there will be a similar transitional protection for siblings of existing pupils.

For the purposes of this priority a sibling is defined as a child living within the same household as another.

#### Random allocation

Random allocation is only used as a tie break within each of the over subscription priorities. So far it has only been used at priority 4 (children living in catchment area) when one of the schools in a dual catchment has had more applications than places left, or when there are places left over in a catchment which can be offered to pupils living outside. Random allocation is not used as a priority in itself, only in conjunction with the published over subscription priorities 1 - 5.

For a full description of how the over subscription priorities operate, please use this link to the [Admissions Booklet for 2012/13](#).

Please see the questions about admission arrangements for community secondary schools (also currently applied to the Brighton Aldridge Community Academy [BACA] and the Portslade Aldridge Community Academy [PACA]) set out at the end of this document. The council welcomes your comments on any aspects of the secondary school admission arrangements, suggestions as to how they might be improved and your views on how they have operated to date.

#### **Admissions Arrangements for Community Infant, Junior and Primary Schools**

Two changes are proposed for the admission arrangements to Community Infant, Junior and Primary schools. The over subscription priorities are applied in the context of an equal preference system as required by the Admissions Code. They are:

1. Children in the care of a local authority (looked after children).
2. Compelling medical or other exceptional reasons for attending the school. (Including children adopted away from their birth families).
3. The sibling link.
4. For junior schools only: children attending a linked infant school
5. Home to school distance (measured by the shortest available route).

Within all these priorities, the tie break is home to school distance (measured by the shortest available route).

The first change proposed is a legal requirement- the new (draft) School Admissions Code requires that priority 1 (Children in the care of a local authority) be extended to cover 'children who were looked after, but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order). These children will therefore be included in this priority and priority 2 will cease to include adopted children.

The second proposed change is a change to the method of measuring distance (which is the tie-break in the admissions priorities for Infant, Junior and Primary School admissions). The proposal is to change from measuring via the shortest available route to measuring as the crow flies. The proposal is outlined [here](#).

Your views are sought on this proposal.

More detail about the primary admission arrangements can be found in the [school admission booklet](#). Schools have copies of the booklet which can also be viewed on the Brighton & Hove City Council web site. Your views about the primary school admission arrangements are invited.

### **Relevant Area for Consultation**

The relevant area for school admissions in the city is currently defined as the area within the city boundary. This is the area which the Local Authority (LA) uses when consulting on admissions arrangements, and can include other admission authorities and voluntary aided schools outside the city. The area can be larger than LA boundary, or smaller through the operation of a number of different relevant areas within the LA. The use of a relevant area was a requirement of the School Standards and Framework Act 1998, and this requirement remains in force. It is currently defined as the area within the Brighton & Hove city boundaries, so all voluntary aided schools within the city are required to consult all schools within the city boundary about their proposed admission arrangements. No change is proposed to the relevant area for 2013/14.

### **Voluntary Aided Schools Consultation**

Voluntary Aided schools are required to consult with all other city schools, with the LA and with parents in the City who have children between the ages of 2 and 16 about their proposed admission arrangements for 2013/14 *unless the arrangements are unchanged from last year*. These proposed arrangements will be on the Council's website or available from the schools. Consultation, if taking place, must be completed by 1<sup>st</sup> March 2012 and the Governors must have settled the final version of their admission arrangements by 15 April 2012. Parents may wish to send their comments on VA school proposed admission arrangements direct to the school or can send them to the Council which will pass them on to the individual school governing bodies. Those governing bodies are responsible for deciding admission arrangements for their own school.

### **Published Admission Numbers**

The proposed admission numbers for each school are attached to this document. You are invited to comment on whether you agree with the number shown. These numbers are based on the net capacity range of each school, or in some cases a higher figure. The net capacity is a nationally required means of measuring how many pupils a school can take. As previously, this list includes the expected admission numbers for voluntary aided schools, which act as their own admission authorities and set their own admission number.

### **Co-ordinated Admission Schemes for 2013/14**

The coordinated schemes are attached for comment. They set out the arrangements, including dates, for the coordination of secondary and primary admissions and in-year applications. The purpose of this coordination is to ensure that all parents and carers receive one offer of a school place for their child within published timescales. The scheme applies to all maintained (ie state) schools in Brighton & Hove, including Academies and Voluntary Aided schools.

### **The Admission Timetable for 2013/14**

The dates for applications and allocations for admission for the 2013/14 school year will be:

Infant, Junior and Primary Schools:	Closing date	15 January 2013
	Letters to parents/carers	19 April 2013
Secondary schools:	Closing date	31 October 2012
	Letters to parents/carers	1 March 2013

These dates are set out in more detail in the co-ordinated schemes.





## PETITIONS

(a) Petition title:Change to Dorothy Stringer/Varndean Catchment Area to Include East of Dyke Road for 2013/14 Intake, do not Postpone the Decision Until 2014/15

“We the undersigned petition the Council;  
As Brighton and Hove City Council have already highlighted there are issues for children travelling to Hove Park. They are not able to attend extra curriculum clubs and socialise with their peers after school. We want our children to be able to walk to their local schools and remain in their community. There is no point in postponing this decision as it is just delaying the solution and affecting the education of even more people in the process. To give us hope and an opportunity to consult on this issue and then to delay the decision and deny the current Year 5 students this option would be unfair! A decision needs to be made now!”

(b) Petition Title:Opposition to Proposed Boundary Changes Dorothy Stringer/Varndean Catchment Area to Include East of Dyke Road for 2013/14

“In response to the campaign in favour of moving the Dorothy Stringer/Varndean catchment to include families living east of Dyke Road we invite you to sign our petition opposing this change. There has been a lot of misinformation put out about this complex issue and we encourage you to (read on) and hear the other side. There is an assumption that all Stanford parents should support these changes, but actually if this goes ahead it will have a very negative impact on many children attending Stanford. So please help. Rather than vilifying some local schools we should be giving them support and addressing the issues that will help improve them.”



<b>Subject:</b>	<b>Housing Allocation Policy Review</b>		
<b>Date of Meeting:</b>	<b>26 April 2012</b> 19 April 2012 - Cabinet		
<b>Report of:</b>	<b>Strategic Director Place &amp; Strategic Director People</b>		
<b>Lead Cabinet Member:</b>	<b>Cabinet Member for Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jugal Sharma</b>	<b>Tel: 3101</b>
		<b>James Dougan</b>	<b>5511</b>
	<b>Email:</b>	<a href="mailto:jugal.sharma@brighton-hove.gov.uk">jugal.sharma@brighton-hove.gov.uk</a> <a href="mailto:james.dougan@brighton-hove.gov.uk">james.dougan@brighton-hove.gov.uk</a>	
<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No: CAB27244</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

## 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The current Housing Register Allocations Policy was approved by Housing Cabinet 22 March 2011. Under the current policy young people leaving care (care leavers) are not automatically awarded Band A priority for social housing (Council & Registered Provider), but are assessed for housing depending on their housing need in the same way as other applicants. The current Allocation policy, however, does give the Lead Commissioner for Housing discretion to award priority in exceptional circumstances. There is also a quota system in place for Children's Services to grant up to 15 cases Band A status per annum as decided by Children's Services. This is normally used for re-housing young people from local families.
- 1.2 Care leavers and their representatives have raised concerns with the Council regarding the current policy and have suggested that automatic Band A status should be reinstated for young people leaving care.
- 1.3 To ensure we are reflecting both the need to make best use of limited housing resources and fulfil our corporate parent role to young people leaving care, a review of the policy has been undertaken including public consultation over 12 weeks (7 November 2011 - 29 January 2012). A list of consultees is attached in Appendix 1.
- 1.4 Consequently, this report sets out recommendations for revising the Allocations policy and its operation reflecting a stronger consideration of the Council's role as corporate parent to young people leaving care.

## 2. RECOMMENDATIONS:

- 2.1 That Cabinet recommends to Council that:
  - (i) the proposals set out in paragraph 3.22 to 3.28 and also Appendix 3 be approved;

- (ii) the Strategic Director, Place, be authorised to amend the Council's Housing Allocations policy to reflect the above changes;
- (iii) the Strategic Director Place and the Strategic Director People, be authorised to take all steps necessary or incidental to the implementation of the proposals in paragraphs 3.22 to 3.28, including making appropriate arrangements for assessments, referrals and reporting to Members as suggested in paragraphs 3.14 and 3.24 of the report.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Housing Register Allocations policy has and will continue to be subject to periodic review reflecting legislation, local demographic changes and policy preferences. Where changes are made the Council strives to ensure that the policy remains legal, reasonable, effective and efficient.
- 3.2 Under the previous Housing Allocation policy 2005 care leavers who were assessed as not requiring supported accommodation were awarded Band A priority. This entailed a joint assessment process as part of a Joint Protocol agreed between Children's Services and Housing. This process did not necessarily consider all of the housing tenure options available and how accommodation offers might be accompanied by on-going support packages to ensure accommodation offers and tenancy arrangements were successful.
- 3.3 The policy was reviewed and a report brought to Housing Cabinet 22 March 2011. Based on the consultation, automatic Band A status for care leavers was removed. As such, for care leavers who did not need supported accommodation, it was possible to offer and oblige private rented accommodation as a first option. In part this reflected a concern that housing potentially vulnerable people onto housing estates with relatively high concentrations of deprivation might not be the most appropriate solution.
- 3.4 Subsequently, however, care leavers and their representatives have raised concerns with the Council regarding this decision. They have suggested that automatic Band A status should be reinstated for young people leaving care as a first choice. In response the Council has undertaken a further review of the policy including public consultation over 12 weeks (7 November 2011 - 29 January 2012).

#### **Legal & Policy Considerations**

- 3.5 In considering the how best to resolve matters and proceed, officers have had regard to the legislation and policy relating to care leavers and the obligations on local authorities in meeting their housing needs. The Council has 3 key considerations: it's obligations as Housing Authority; as a Children's Services Authority; and, as a Corporate Parent to care leavers.
- 3.6 The current Allocations policy, looked at on its own, complies with legal requirements under the Housing Act 1996 and Code of Guidance. The list of people we are required to give reasonable preference to is set out in Appendix 4, there is no requirement to award priority to young people leaving care looking at the council's duty as a Housing Authority (as opposed to a Children's Social Services Authority).

- 3.7 In terms of the Children Act 1989, the council has used the Allocations policy as a way of discharging its housing duties to care leavers. S17(6) and S20 of the Act established a duty to provide accommodation for a Child in Need. S23 (b)(8) also refers to the need to provide “suitable” accommodation, where a care leaver seeks it, defined under the Care Leavers (England) Regulations 2010. (Suitable is defined as accommodation which, in so far as reasonably practicable, is suitable for the child in light of his needs, including his health needs see Appendix 5). This requires the council to look at the needs and wishes of the care leaver and facilities. For those aged 18, s23(a)(2) states there should be a care plan that can include accommodation. To be clear, however, none of these requirements stipulate that the offer of “suitable” accommodation must, in all cases, include a Council tenancy or the award of Band A priority for council housing.
- 3.8 Hence, the current Allocations policy, taken by itself, is lawful. As long as the council complies with its duties under the Children Act regarding the provision of “suitable” accommodation, there is no requirement or inference that this should necessarily be via the Housing Allocations policy and the council is at liberty to discharge that function by other means if it so wishes.

### **Options for moving forward**

- 3.9 Care leavers and their representatives have signalled that they may seek a judicial review of the current policy and their opportunity to be consulted and make representations on changes. Whilst the view of the Council’s legal officer is that the Council’s position is legally safe in relation to compliance with housing legislation, there are issues around the Council’s position as a children’s services authority and policy options open to the Council. If the Council considers that a council or other social housing tenancy would be best as a general rule to meet care leaver’s needs, then we would need to give the care leaver sufficient priority within the Allocations policy, taking into account our responsibilities as Corporate Parent.
- 3.10 In considering this your officers have reviewed the key operational issues. There is a risk of tenancy breakdown when a young person becomes a tenant for the first time and this may impose some costs in reinstating the property and also dealing with the personal care aspects of the breakdown, albeit these costs on average are not considered to be different from any other vulnerable group. Experience to date has been mixed but there is agreement amongst housing and social service professionals that systems need to be in place to ensure that young people are prepared and that their assessment clearly demonstrates they are ready to live independently. Support may be appropriate to help young people in sustaining their tenancy and to develop the practical, financial and emotional skills and resilience to live independently.
- 3.11 Housing and social service professionals are also in agreement that care leavers should be involved, in so far as is reasonable, in all decisions relating to their care. As a corporate parent, we may want to give particular weight to the wishes and feelings of care leavers in determining their housing options. At present, responsibility for care leavers housing allocations falls primarily on the Lead Commissioner, Housing following consultation with Children’s Services professionals. Where professional differences of opinion on an appropriate housing option cannot be reconciled, protocols are currently in place to refer the matter to the Strategic Director People to arbitrate. To support the Lead Commissioner, Housing and the Strategic Director People, it may be helpful

establish a board to review the impact of care leaver housing allocations and where necessary advise on potential service improvements. Such a board is often a feature of other local authorities' care leaving arrangements and could involve feedback from care leavers and/or their representatives.

- 3.12 In light of the review and the response to recent consultation on the policy, there is an option for the Council to give greater weight to its role as a Corporate Parent to care leavers and thus offering Band A housing priority to care leavers. This reflects the requirements of the Children Act 1989 whereby the responsible authority has to satisfy itself as to the character and suitability of the landlord or other provider complying with health and safety requirements related to rented accommodation. The Act also requires the responsible authority, in so far as reasonably practicable, to take into account the child's wishes and feelings and also education, training or employment needs.
- 3.13 Consequently in undertaking formal assessments, officers would have regard to both a professional view as to whether the care leaver is ready for independent living as well as the wishes of the individual. Officers would have particular regard to the significance of security of tenure, affordability and emotional well being, particularly in the early years of adult life where young people leaving care may be at a critical stage in full time education, employment and/or training and would benefit from stability of tenure.
- 3.14 Where Council accommodation is not readily available or might be considered otherwise inappropriate, the council may also consider offers to care leavers of accommodation in relation to private sector landlords where these can also be assured as offering security of tenure, affordability and emotional well being.
- 3.15 In all cases, the judgement of the professional parent and the views of the care leaver child would need to be carefully considered in deciding upon a housing option. Where necessary, the council may also seek to provide supplementary packages of support (see Appendix 5 Schedule 2) to enable a care leaver to make a successful transition to independent living irrespective of the Band A status.
- 3.16 To ensure that the policy and its operation is achieving the desired impact and is not generating any adverse and unintended consequences, it may also be prudent for a joint annual report from Children's Services and Housing to be submitted to an appropriate (sub) Committee regarding the impact on social housing management and the well being of care leavers.

### **Implications for housing supply & housing waiting lists**

- 3.17 Care leavers generally need studios or 1 bed properties. In the last year the number of studios and 1 bed properties becoming available was 584. In terms of demand, there were a total of 7,495 households waiting for this size property, which comprise: 142 in Band A, 519 in Band B, 5164 in Band C and 1670 in Band D (see Table 1).

**Table 1: Council Housing Availability & Waiting List Priorities**

Size	Number of properties available	Waiting households	Banding Priority			
			A	B	C	D
Studios and 1 bedroom	584	7,495	142	519	5,164	1,670
2 bedroom	231	3,181	105	263	1861	952
3 bedroom	82	1,386	48	220	816	302
4+ bedroom	10	203	17	59	98	29

**Care Leaver Housing Requirements**

3.18 Children's Services provide close monitoring of young people leaving care. Table 2 below shows where they go.

**Table 2: Housing Accommodation for Young (18 year old) People Living Care**

	2006	2007	2008	2009	2010
Supported Lodgings	4	8	14	7	2
With Parents Or Relatives	5	8	7	12	7
Foyers And Similar Supported Lodging	2	0	2	4	11
Community Home Or Other Residential Care	0	5	3	2	2
<b>Independent Living *</b>	<b>15</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>18</b>
SSD Not In Touch With Young Person	0	0	2	0	0
Semi-Independent Transitional Accommodation	2	3	1	0	0
Other Accommodation	1	0	1	0	0
Ordinary lodgings without formal support	0	0	0	0	0
In Custody	2	0	0	3	1
Bed And Breakfast	0	1	2	1	0
Emergency Accommodation	0	0	0	0	1

**Note:** About five young people outside of the 18 year old age bracket are also likely to be assessed as ready for independent living.

\*independent living – this group goes to a mixture of local authority housing both in the city (80%) and beyond, as well as private rented accommodation.

3.19 The number of young people leaving care and entering council enabled accommodation is recorded at between 14 to 18 per year. Looking forward, based on young people currently in care and due to reach their eighteenth birthday, the number seeking and able to sustain independent living is forecasted in Table 3.

**Table 3: Forecast of Young People Leaving Care Seeking & Able to Sustain Independent Living**

	2011	2012	2013	2014	2015
<b>Independent Living only</b>	<b>17</b>	<b>17</b>	<b>18</b>	<b>18</b>	<b>19</b>

3.20 As such the forecast pressure on annually available suitable council housing accommodation is relatively modest and would not unduly distort the allocation of council housing across all recognised needs groups in the city.

### **Options**

3.21 In light of the review and the results of consultation, the options are:

- a) Status quo. Although this complies with Housing law it leaves the council open to challenge under the Children Act.
- b) Amend the current arrangements to reflect the Council's corporate parent role by giving care leavers an appropriate priority subject to formal assessment.
  - i) Band A. There are a finite number of properties that become available and so there are implications for other client groups by increasing the priority of one group.
  - ii) Band B. This would give a high priority but may not be the best option to give sufficient priority to enable the Council to discharge it's duties under the Children Act.

If option b) is chosen it is also recommended that it be accompanied by a robust assessment of the needs of the care leaver and a support package as set out in Appendix 5, Schedule 2.

### **Recommendation**

- 3.22 That Band A Priority should be available as one of a range of housing options offered to young people leaving care. Allocation of band A priority should be based on individual need following a case conference involving the young person and all relevant parties.
- 3.23 That a case conference panel or board is set up to facilitate the above at 3.22.
- 3.24 That robust support packages are created with the involvement of the young person in advance of their leaving care.
- 3.25 That the implementation of support packages and the sustainability and success of tenancies on the part of care leavers is monitored by the newly created Corporate Parenting Sub Committee.
- 3.26 Where a care leaver seeks to appeal an assessment decision and/or agreement cannot be reached by professional assessors, the matter is to be referred to the Strategic Director People to arbitrate as the delegated corporate parent for the Council.
- 3.27 In addition, the Strategic Director People and the Strategic Director Place will provide an annual report to the Council through a proposed Corporate Parent (sb) Committee on the impact of housing allocations on the management of council housing stock and the well being of care leavers.



- 3.28 With regard to other issues raised as part of the consultation as set out in Appendix 3, officers recommend these changes are also accepted by cabinet and subsequently recommended by cabinet to Full Council at the earliest opportunity.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 A minimum 12 week consultation process with city stakeholders over the proposed changes has now been completed and extended until 19 February for council tenants so that feedback from all area panels are taken into account when considering final recommendations. Stakeholders include our Communities of Interest, our partner agencies, Age Concern, support agencies, people on the Housing Register, CYPT, and support providers (a full list is provided in Appendix 2). The Community Engagement Framework and standards have been used in undertaking this consultation. Feedback is set out in Appendix 2.
- 4.2 The report was considered by HMCC 19 March 2012. An indicative vote was taken of tenant representatives who opposed the recommendation as amended. A majority of Councillors supported the recommendation as amended.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The 2011/2 budget for the Home Move team is £0.337m which mainly consists of staffing costs (£0.284m) and the Home Move Magazine (£0.052m).
- 5.2 In general it can be challenging to identify direct financial implications from policy decisions and in this case the issues are primarily about priorities and balancing the council's various legal duties. No significant financial implications were identified when recent changes were made to the housing allocations policy in 2011, 2009 either at the time of decision making or afterwards through routine budget monitoring. There are clearly real pressures on the housing system in Brighton & Hove and there are only a finite number of council houses available. This means that any changes to prioritisation will have some consequential impact on others on the waiting list. However it is identified in the report that the potential number of care leavers who may be assessed as ready for independent living and who would choose a council tenancy is in the region of 14-18 per annum. This is just over 10% of the current Band A waiting list and only just over 2% of the total Band A and Band B waiting list based on the information in Table 1 and this also shows that the number of available studio and 1 bedroom properties available currently exceeds the total number of Band A and Band B waiting households. It is therefore difficult to envisage that this change will have any direct impact on other council budgets such as that for homelessness. The costs of housing for care leavers in full time education is funded by children's services, irrespective of the accommodation provided. All other care leavers are, in funding terms, no different to any other adult and would pay rent on their property and claim housing benefits where they were entitled. No specific additional housing management costs for the HRA have been identified for care leavers as a particular client group.

- 5.3 It is proposed to closely monitor the progress of such tenancies and ensure that any subsequent additional costs or loss of income, such as non payment of rent, are reported in due course. It is intended that any Officer time required for additional reporting requirements, attendance at panel etc would be met from existing resources.

*Finance Officer Consulted: Anne Silley*

*Date: 21/02/12*

Legal Implications:

- 5.2 As stated in the body of the report, the Council has legal duties both as a local housing authority and as a children's social services authority. The proposed arrangements, taken together, should be such as to enable the Council to discharge both duties, including the Council's obligations to provide "suitable accommodation" to care leavers.

- 5.3 The requirement under the Children Act 1989 is not to provide Council Housing in all cases. It is to provide "suitable housing" taking a range of factors into account. The proposed approach, being a needs-assessment-led approach, should therefore assist the Council in discharging its duty as a Children's Services Authority.

- 5.4 Irrespective of what is in the housing allocations policy itself, the Council will need to review the practical operation of the scheme in the context of its duty to care leavers. The regular report to the Corporate Parenting Sub-Committee will help provide this assurance.

*Lawyer Consulted: Abraham Ghebre-Ghiorghis Date: 1 February 2012*

Equalities Implications:

- 5.3 Equalities Impact Assessment has been carried out for the proposed options to change the Policy (Appendix 6).

Sustainability Implications:

- 5.4 The proposals will ensure that better use is made of the housing stock and will contribute to sustainable housing solutions

Crime & Disorder Implications:

- 5.5 None

Risk and Opportunity Management Implications:

- 5.6 There is no risk of legal challenge under Housing law but there is a risk of challenge under the duties toward young people leaving care under the Children Act if the local authority are relying on the Allocation policy to discharge its duties to care leavers. The local authority's duty to care leavers is to provide suitable accommodation and it is open to the local authority to determine what and how this is achieved. (Appendix 5)

### Public Health Implications:

- 5.7 The report, by addressing the issues of accommodation for care leavers will effectively contribute positively to their health and wellbeing. However, as there is a finite supply of available housing, there may be adverse implications for other client groups.

### Corporate / Citywide Implications:

- 5.8 Limited social housing stock will be used in the best and most efficient way possible and that the city will benefit from clearer communication and updated Local Lettings Plans

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The alternative to the amendments would be for the policy to remain as per the current policy however this would not fully address the concerns raised by care leavers and their representatives.
- 6.2 We looked at the other councils in East and West Sussex in addition to some London Authorities Croydon, Westminster and Southwark. There is a mixture of what priority is awarded to care leavers, between Band A (or equivalent) and Band B (or equivalent). Full details are in Appendix 7.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The recommendations reflect the outcome of consultation on the housing Allocations policy and officer review whereby the council give greater weight to its role as a Corporate Parent to care leavers and thus offer Band A housing priority to care leavers.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. List of people and organisations consulted
2. Feedback
3. Minor Amendments
4. Code of guidance for local housing authorities 2002 - Allocation of Accommodation CHAPTER 5 Allocation Scheme, Reasonable preference
5. Duties under the Children Act relating to accommodation
6. Equality Impact Assessment
7. Allocation Schemes and priority for care leavers in other Local Authorities

### **Documents in Members' Rooms**

None

### **Background Documents**

- Housing Act 1996 and Code of Guidance
- The Children Act 1989
- Housing Register Allocations Policy was approved by Housing Cabinet 22 March 2011
- Housing Allocation policy 2005

## **Appendix 1 List of people and organisations consulted.**

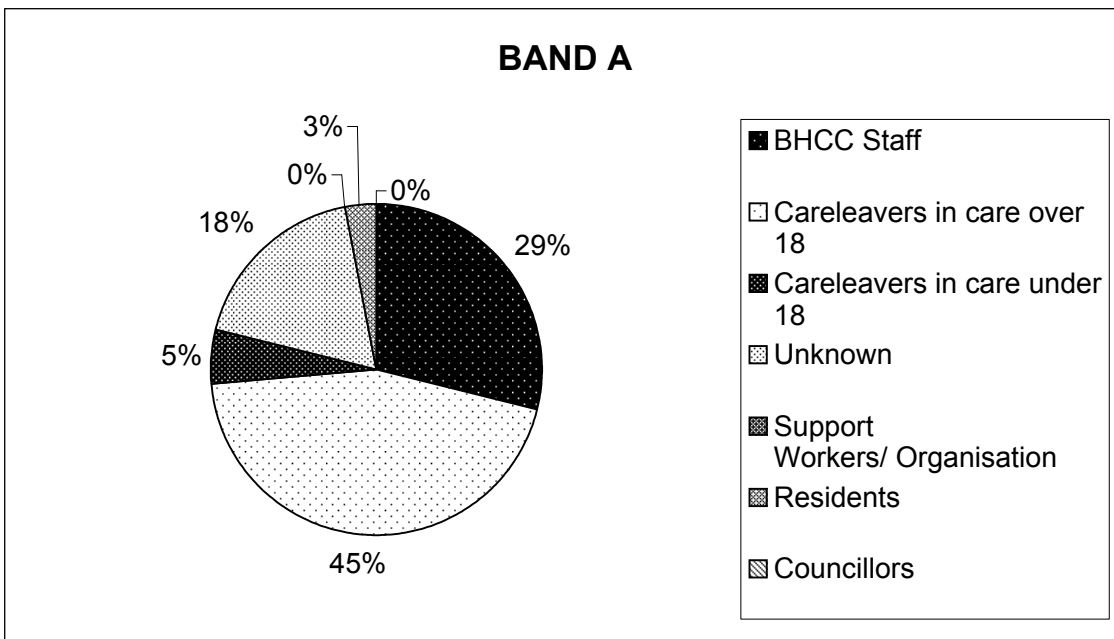
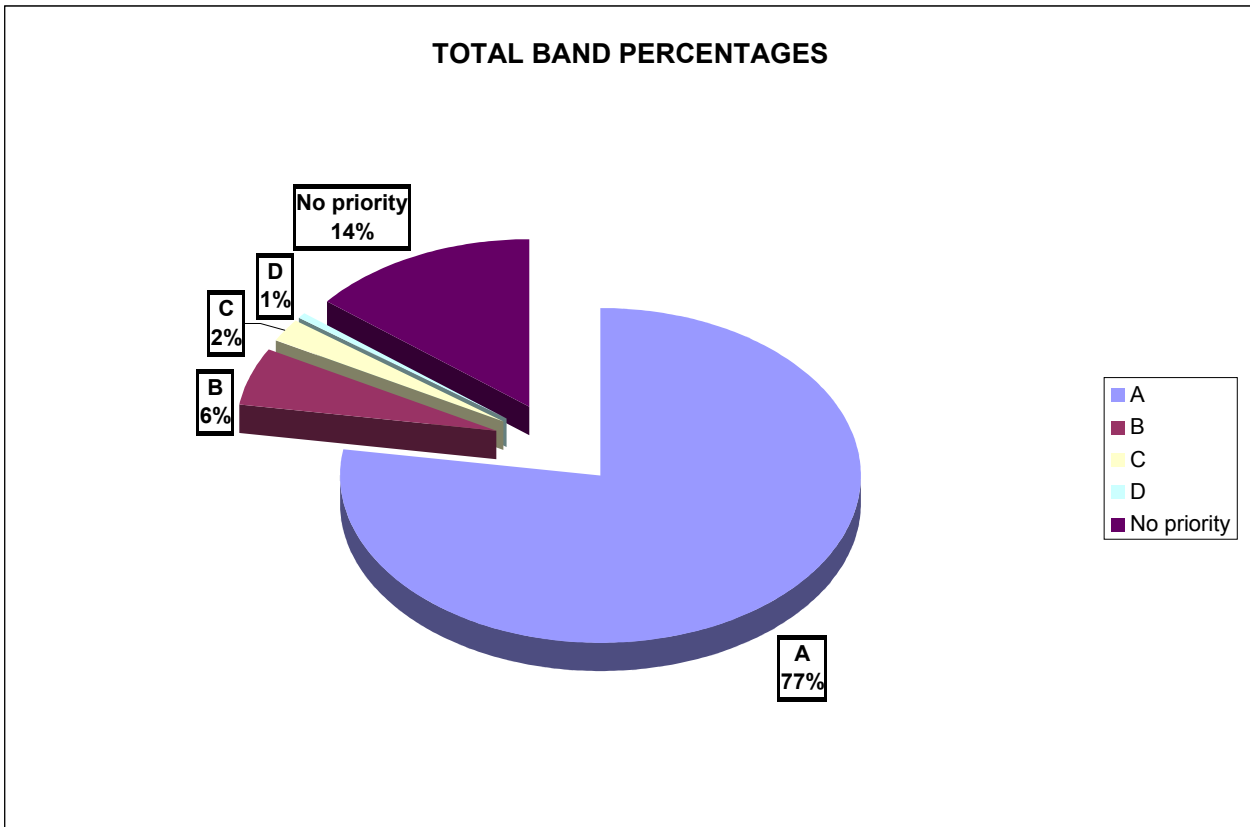
Who has been consulted and how:

<b>Who we consulted with</b>	<b>How we consulted</b>	<b>When</b>
Housing Commission staff	email	16.11.11
Housing & Social Inclusion Staff	email	16.11.11
Sheltered Team	email	16.11.11
All Cllrs	email and have met face to face with a few	17.11.11
All RSL partners	via email and several telephone conversations	17.11.11
Local MPs	email	17.11.11
Choice Based Lettings tenant group	Meeting	17.11.11
(also meeting with Terry Parkin)	Meeting	7.2.11
Own work, BHCC and tenant involvement	Twitter and Facebook pages	17.11.11
DWF, BME & LGBT	email and attended groups	17.11.11
City Assembly	attended myself	19.11.11
Terry Parkin, John Barradell, Andy Whippy, Dermot Anktell, Kate Wiggett, Chris Brunstrom, Claire Blakemore, Barbara Bates, Nigel Hancock, Miranda Wareham, Sylvia Peckham, Simon Court, Jugal Sharma, Geoff Raw	Email	17.11.11
Consultation portal	Consultation portal	16.11.11
Older peoples working group	email and Jamie to attend next group as last one missed due to sickness	17.11.11
612 households emails or sent consultation (408 Homeseekers and 204 Transfers) randomly taken from the housing register	email & letter	21.11.11
Terrance Higgins Trust, Disability Fed, Age UK, MIND, RNIB, RIND, Blind Association, BHT, Brighton and Sussex universities, Shelter, Emmaus, RISE and the DV working group, all YMCA's, Surveyors network, CMHT, Community Base, The Gender	email and telephone conversations	21.11.11

Who we consulted with	How we consulted	When
Trust, Rainbow foundation, MOSIAC, Assert, Brighton women's centre, Autism Sussex Ltd, Clockwork Tower Sanctuary, Scope, Stop over outreach, Jobcentre, Brighton Deaf Centre, SDA for the Deaf, Mencap, PALS at Royal Sussex Hospital, Crisis, Grace Eyre, Oxfam, Samaritans, Martletts		
Sheltered Choice Based Lettings Group (Charles Penrose and Bryan Balchin) met with and will be taking to SHAG	face to face	7.12.11
All area panels will be attended up to and including 14.2.12 and the response from this will be taken into account even though it is after the official close date (this has been agreed by head of Law)	meeting	Up to 14.2.12
Was placed on the Wave for ALL council staff and will be again in the New Year.	Wave	Ongoing
It has also been asked that all staff and anyone who has received the consultation it is passed on to friends, family, colleagues etc so that it is spread as far as possible.	Word of mouth	Ongoing

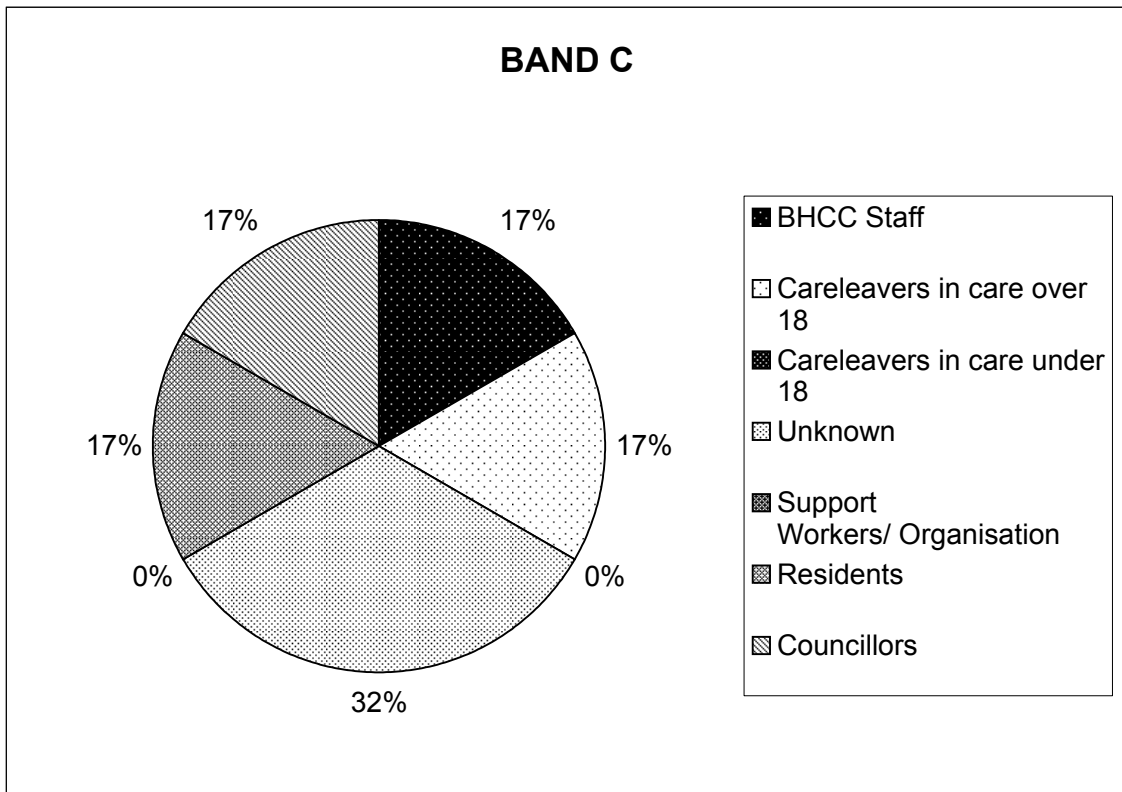
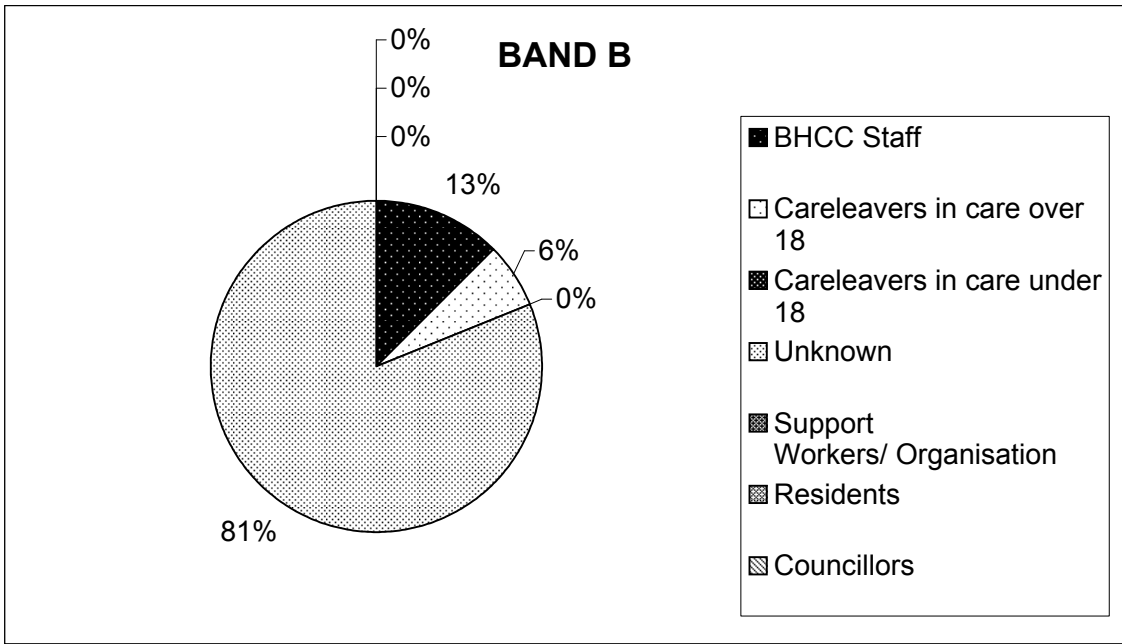
**ALLOCATIONS POLICY CONSULTATION**

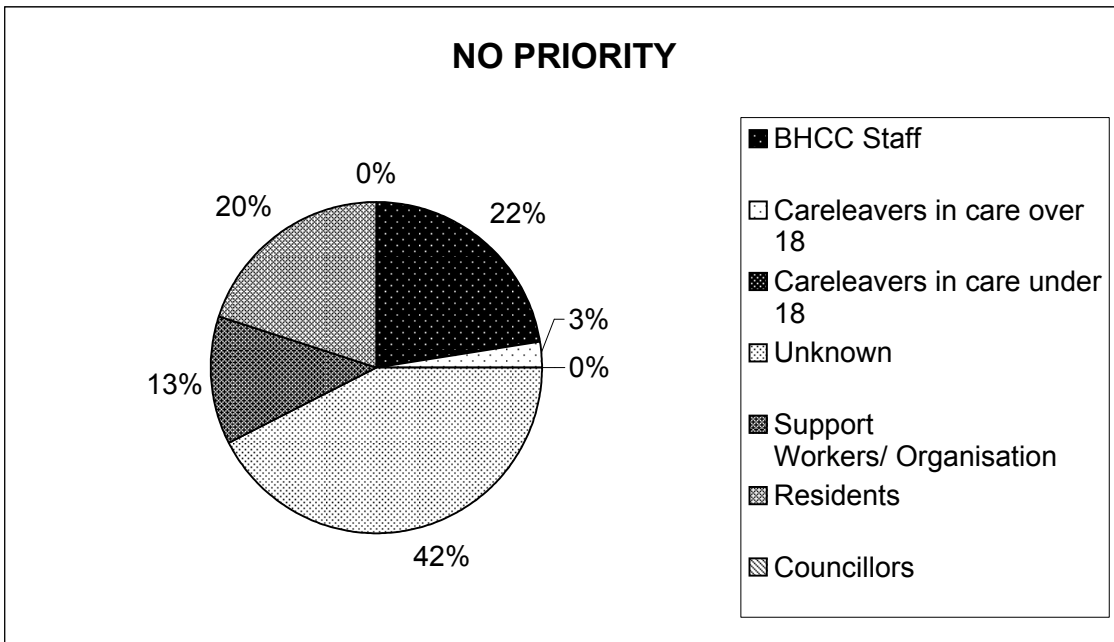
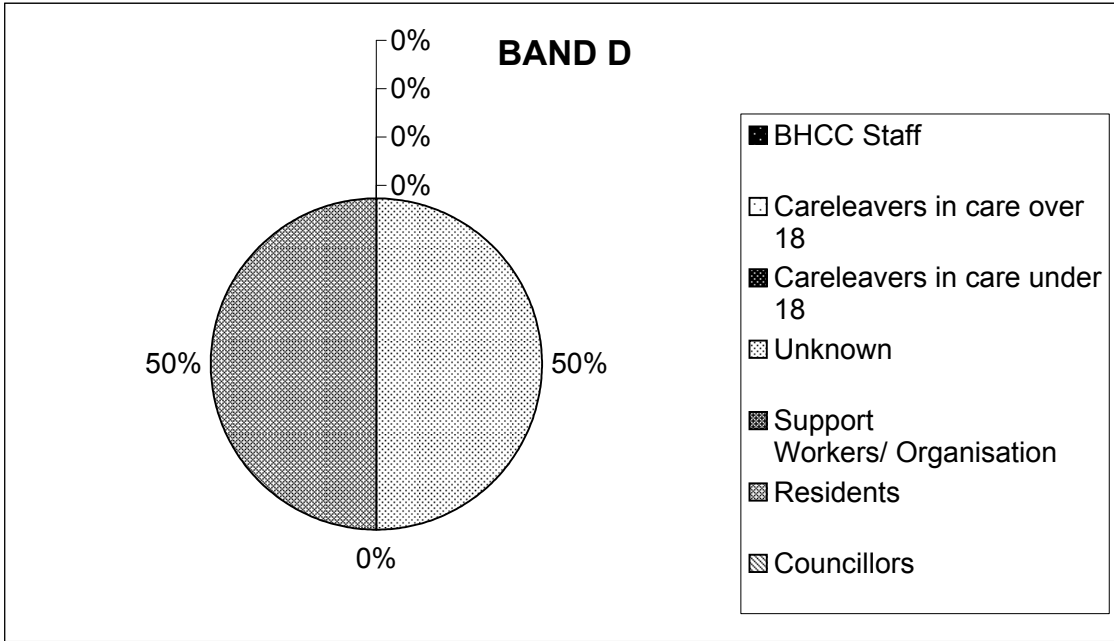
Band	TOTALS	%	BHCC Staff	Careleavers in care over 18	Careleavers in care under 18	Unknown	Support Workers/ Organisation	Residents	Councillors
A	220	77.5	59	91	11	37	0	6	0
B	16	5.6	2	1	0	13	0	0	0
C	6	2.1	1	1	0	2	0	1	1
D	2	0.7	0	0	0	1	0	1	0
No priority	40	14.1	9	1	0	17	5	8	0
<b>TOTAL</b>	<b>284</b>	<b>100%</b>	<b>71</b>	<b>94</b>	<b>11</b>	<b>70</b>	<b>21</b>	<b>16</b>	<b>1</b>











## **ALLOCATIONS POLICY CONSULTATION- RESPONSE FROM Housing Adaptations Service & Children's Disability Services**

Thank you for inviting us to respond to the consultation. A group representing Housing Adaptations Service & Children's Disability Services met to review the proposed changes. We would like to make specific comments on the following sections of the policy as they apply to disabled people and families with disabled children and mobility standard properties:-

Working Households  
Positive Contribution

We would also like to comment on the policy re allocation of Sheltered properties- although this is not specifically covered in the document.

### **Working Households and positive contribution**

It is acknowledged in the policy that disabled people are more likely to face difficulties in finding and maintaining paid or unpaid work- and this is reflected in a number of national indicators.

However a policy that gives priority to disabled people who are in paid employment or undertaking voluntary work discriminates against those people who are most disabled and least able to undertake any of these activities, including people with very profound physical and learning disabilities and family/household members who are providing care. These are often the households who have the highest priority need to move e.g unable to access essential facilities such as a toilet or bathroom, unable to get out of the property to access the community and where there is no potential to adapt the property. The exclusion of people who are full-time carers of a disabled household member under the positive contribution policy e.g. a [single parent with one or more disabled children](#) also potentially discriminates against those in greatest need.

From a housing perspective, the application of the policy to mobility standard properties mitigates against the Council making best use of accessible and adaptable housing stock.

There is a critical shortage of family size accessible and adaptable homes in the City particularly of Mobility 1 and 2 properties, with very few new build properties of this type and size being delivered. Recent feedback from Homemove to the Major Adaptations Panel reported that there had been no 3 bed Mobility 1 properties available in the past year, with 43 people on the register requiring this type of property (MAP minutes 14<sup>th</sup> December 2011). This means that people (and their households) who are very disabled are likely to have a considerable wait for a suitable property and under this policy could be waiting even longer.

This has major implications for both Adaptations and Social Care budgets as there remain statutory duties to meet needs and reduce risk to disabled people and their carers.

One consequence is that difficult decisions have to be made in Major Adaptations Panel as to whether to adapt properties that may not meet the current tenant's long-term needs and cannot be adapted to provide a mobility standard property for future tenants.

Appropriate housing for families with disabled children often reduces the burden on the council's social care budgets as there is less family breakdown and less respite required. It is also the case that the privately rented market is rarely an option for disabled people/families as it is rare to find a landlord that will guarantee a long enough tenancy for an expensive adaptation to be worth the investment.

### **Sheltered housing**

We would also like to highlight our concerns about the current policy of giving priority to existing sheltered tenants within the same block or for a move to another block. Again this seems to discriminate against those who may be in highest priority need, particularly if the property meets a mobility standard. It also mitigates against being able to offer under-occupiers who wish to move into sheltered accommodation a range of options.

## **Appendix 5: Duties under the Children Act relating to accommodation**

Children Act 1989 23 (b) (8)

“(8)The responsible local authority shall safeguard and promote the child’s welfare and, unless they are satisfied that his welfare does not require it, support him by—

- (a)maintaining him;
- (b)providing him with or maintaining him in suitable accommodation; and
- (c)providing support of such other descriptions as may be prescribed.

(9)Support under subsection (8) may be in cash.

(10)The [F4“appropriate national authority] may by regulations make provision about the meaning of “**suitable accommodation**” and in particular about the suitability of landlords or other providers of accommodation

### **Careleavers (England) Regs 2010**

#### **Part 4**

(9) (2) For the purposes of section 23B(10), “**suitable accommodation**” means accommodation—

- (a)which so far as reasonably practicable is suitable for the relevant child in the light of their needs, including any health needs and any needs arising from any disability,
- (b)in respect of which the responsible authority have satisfied themselves as to the character and suitability of the landlord or other provider, and
- (c)in respect of which the responsible authority have, so far as reasonably practicable, taken into account the relevant child’s—
  - (i)wishes and feelings, and
  - (ii)education, training or employment needs.

### **SCHEDULE 2 Regulation 9**

#### **Matters to be considered in determining the suitability of accommodation**

1. In respect of the accommodation, the—
  - (a)facilities and services provided,
  - (b)state of repair,
  - (c)safety,
  - (d)location,

(e) support,

(f) tenancy status, and

(g) the financial commitments involved for the relevant child and their affordability.

**2.** In respect of the relevant child, their—

(a) views about the accommodation,

(b) understanding of their rights and responsibilities in relation to the accommodation, and

(c) understanding of funding arrangements.”

## **Appendix 4**

### **Code of guidance for local housing authorities 2002 - Allocation of Accommodation**

#### **CHAPTER 5**

#### **Allocation Scheme**

#### **Reasonable preference**

“5.8 In framing their allocation scheme so as to determine priorities in the allocation of housing, housing authorities must ensure that reasonable preference is given to the following categories of people, as set out in s167 (2) of the 1996 Act:

- (a) people who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless, and those who are not in priority need;
- (b) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3);
- (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- (d) people who need to move on medical or welfare grounds; and
- (e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

5.9 It is important that the priority for housing accommodation goes to those with greater housing need. In framing their allocation scheme to give effect to s.167(2), housing authorities must have regard to the following considerations –

- a) the scheme must include mechanisms for:
  - i) ensuring that the authority assess an applicant’s housing need, and for
  - ii) identifying applicants in the greatest housing need
  
- b) the scheme must be framed so as to give reasonable preference to applicants who fall within the categories set out in s.167(2), over those who do not;

c) the reasonable preference categories must not be treated in isolation from one another.

Since the categories can be cumulative, schemes must provide a clear mechanism for identifying applicants who qualify under more than one category, and for taking this into account in assessing their housing need;

d) there is no requirement to give equal weight to each of the reasonable preference categories. However, housing authorities will need to be able to demonstrate that, overall, reasonable preference for allocations has been given to applicants in all the reasonable preference categories. Accordingly it is recommended that housing authorities put in place appropriate mechanisms to monitor the outcome of allocations; and

e) a scheme may provide for other factors than those set out in s 167(2) to be taken into account in determining which applicants are to be given preference under a scheme, provided they do not dominate the scheme at the expense of those in s.167(2). (See para. 5.25 below)  
Otherwise, it is for housing authorities to decide how they give effect to the provisions of s.167(2) of the 1996 Act in their allocation scheme.

### **Allocation scheme flexibility**

5.25 While housing authorities will need to ensure that, overall, reasonable preference for allocations is given to applicants in the relevant categories in s167 (2), these should not be regarded as exclusive. A scheme should be flexible enough to incorporate other considerations. For example, housing authorities may wish to give sympathetic consideration to the housing needs of extended families. However, housing authorities must not allow their own secondary criteria to dominate schemes at the expense of the statutory preference categories. The latter must be reflected on the face of schemes and be evident when schemes are evaluated over a longer period.



### **Appendix 3 Minor Amendments**

Wording change to:

From:

#### **Full Time Carers**

If the prime applicant(s) provide care in an area of the City, the priority may be applied for in the area in which they provide care. Carers must have been providing for a continuous period of at least 6 months up to the point of application and the same at point of offer.

To:

#### **Full Time Carers (outside of your current household)**

If the prime applicant(s) provide care to someone outside of their current household in an area of the City where they have placed a bid (with a 1 mile radius of the place of care), the priority may be applied for in the area in which they provide care. Carers must have been providing for a continuous period of at least 6 months up to the point of application and the same at point of offer.

From

#### **Income caps**

In order to ensure those households most in need benefit from the council's Working Priority, income caps will be applied according to the size of property needed.

For those who need a property of 2 or more bedrooms the cap will be £35,000pa gross income to include all forms of income to the household.

For households requiring studio or 1 bed property, the cap will be £17,000 pa gross to include all forms of income to the household.

To

#### **Income caps**

In order to ensure those households most in need benefit from the council's Working Priority, income caps will be applied according to the size of property needed.

For those who need a property of 2 or more bedrooms the cap will be £35,000pa gross income to include all forms of income to the household.

For households requiring studio or 1 bed property, the cap will be £17,000 pa gross to include all forms of income to the household.

Please note that any benefits received will not be taken into account on the above amounts, these figures are based on gross income only.

Remove the following paragraph so that there is no discretion but that each circumstance is covered by a criteria in the policy. This will ensure the policy is tighter.

**Lead Commissioner for Housing Discretion for other exceptional circumstances not covered by this scheme**

From time to time a situation may arise that is not adequately reflected in this Allocations Scheme but the needs or circumstances are exceptional and significant. Where a case is considered exceptional but the applicant does not meet any of the Banding criteria or it is felt that a higher Banding than the one awarded is more appropriate then the Lead Commissioner for Housing in Brighton & hove City Council reserves the right to override this scheme and allow an applicant to have a higher priority than they would be entitled to under the Scheme. These cases will be few in number and will be closely monitored and reported on to ensure that the duty to achieve Reasonable Preference overall is not compromised. Lead Commissioner for Housing Discretion can also be used to block an allocation or to make a direct allocation of a property in circumstances not predicted by this scheme but where the Council is satisfied someone has unfairly taken advantage of the scheme to the detriment of those in housing need. Again, these cases will be monitored and will be few in number.

All of the above cases will be taken to Housing Management Consultative Committee on a yearly basis to review the numbers submitted, the outcome of the cases and brief reason for the case being submitted via this route.

## Appendix 6 Equalities Impact Assessment

<p><b>Aim of Policy / Scope of Service:</b></p> <p><b>Equality Impact Assessment for Careleavers – Review 2012</b> Analysing what would be the impact of proposed changes to the Allocations policy for care leavers in particular and the different assessments combinations.</p>	
<p><b>Different Groups included in scope</b> Care leavers. Others on the Housing Register who would potentially be affected by a change.</p>	

	Impact	Potential actions to minimise negative impact and maximise positive impacts
<p><b>1- if Care leavers were assessed as Band A</b></p>	<p>(+) Highest priority enables them to be re-housed promptly to a secure tenancy</p> <p>(+) secure tenancy will provide stability (leaving care is challenging and confusing time for many young people).</p> <p>(-) Don't always have the support, if needed, which will help them manage independent accommodation.</p> <p>(-) There is a finite supply of housing.</p> <p>(-) It will impact on other applicants in band A that need one bedroom property for reasons such as:</p> <ul style="list-style-type: none"> <li>* Overriding medical</li> <li>* TIS</li> <li>* Witness protection nominations</li> <li>* Accepted Homeless</li> </ul>	<p><b>ACTION:</b></p> <ul style="list-style-type: none"> <li>* support package from Children's services coupled with that from housing officer should be provided to careleaver when they first move into social housing</li> <li>* Life-skills course provision</li> <li>* Monitor the impact on other groups to assess which groups adversely affected</li> <li>* For those careleavers that could benefit for other type of accommodation:               <ul style="list-style-type: none"> <li>- Work with social worker to encourage careleaver to explore the housing options available in the City in the private rented</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>* Transfer needing a permanent decant</li> <li>* Private sector nomination</li> <li>* Priority transfers</li> <li>* Lead Commissioner of Housing discretion</li> <li>* Non statutory successors</li> <li>* Retiring council and HA employees</li> </ul> <p>(-) Less dynamic housing list. More people in Band A will mean that people in lower bands have reduced opportunity to obtaining a property.</p> <p>(-) Some care leavers could benefit from other type of accommodation that is not Council o HA.</p> <p>(+) (-) To treat all the Groups in the same measure. (positive for careleaver and negative for other applicants which assessment is based on their housing need)</p>	<p>sector which may include a house share with other young people or their own private rented flat. This could enable careleavers to remain in an area of the city they had been living in.</p> <ul style="list-style-type: none"> <li>- Encourage connections with other young people looking to privately rent so that complimentary groups can rent shared accommodation</li> <li>- Assistance with deposits, guarantors</li> </ul>
<p><b>2- if assessed as band B</b></p>	<p>(-) careleavers would have reduced opportunity in obtaining a property than if they were in Band A</p> <p>(-) They will compete with other applicants in band B needing one bedroom property for reasons such as:</p> <ul style="list-style-type: none"> <li>* management transfers</li> <li>* major medical</li> <li>* Ex tenants returning from institutions</li> <li>* Multiple needs</li> <li>* Unsatisfactory Housing conditions (Category 1 hazard)</li> </ul> <p>(+) careleavers would have increased opportunity to obtaining a property than people in lower bands.</p> <p>(-) There is a finite supply of housing.</p> <p>(-) Don't always have the support, if needed, which will help them manage independent accommodation.</p> <p>(+) likely to be re-housed fairly quick under the scheme</p> <p>(+)(-) To treat all the Groups in the same measure</p>	<p><b>ACTION:</b></p> <ul style="list-style-type: none"> <li>* support package from Children's services coupled with that from housing officer should be provided to careleaver when they first move into social housing</li> <li>* Life-skills course provision</li> <li>* Monitor the impact on other groups to assess which groups adversely affected</li> <li>* For those careleavers that could benefit for other type of accommodation: <ul style="list-style-type: none"> <li>- Work with social worker to encourage careleaver to explore the housing options available in the City in the private rented sector which may include a house share with other young people or their own private rented flat. This could enable careleaver to remain in an area of the city they had been living in.</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>- Encourage connections with other young people looking to privately rent so that complimentary groups can rent shared accommodation</li> <li>- Assistance with deposits, guarantors</li> </ul>
<p><b>3- if assessed as band C</b></p>	<p>(-) careleavers would have reduced opportunity in obtaining a property than if they were in Band A or band B</p> <p>(-) They will compete with other applicants in band C needing one bedroom property for reasons such as:</p> <ul style="list-style-type: none"> <li>* Homeless on T.A, short hold tenancy</li> <li>* minor medical</li> <li>* unsanitary housing conditions</li> <li>* Multiple needs</li> <li>* To give or receive support</li> </ul> <p>(-) unlikely to be re-housed promptly which could impact negatively on their health and wellbeing, unless they are working in which case up to 50% of all available properties</p> <p>(-) There is a finite supply of housing.</p> <p>(+) careleavers would have increased opportunity to obtaining a property than people in band D</p>	<p><b>ACTION:</b></p> <ul style="list-style-type: none"> <li>* Work with social worker to encourage careleaver to explore the housing options available in the City in the private rented sector which may include a house share with other young people or their own private rented flat. This could enable careleavers to remain in an area of the city they had been living in.</li> <li>* Encourage connections with other young people looking to privately rent so that complimentary groups can rent shared accommodation</li> <li>* Assistance with deposits, guarantors</li> <li>* Life-skills course provision</li> <li>* Monitor the impact on care leavers</li> <li>* support from housing officer should be provided to careleaver when they first move into social housing</li> </ul>
<p><b>4- if assessed according to their housing need</b></p>	<p>(-)(+) Treated as all other applicants in the same measure</p> <p>(+) Dynamic housing list</p> <p>(-) some careleavers will have not priority need and it will be very unlikely for them to be re-housed under Homemove.</p> <p>(-) the health and wellbeing of careleavers may be</p>	<p><b>ACTION:</b></p> <ul style="list-style-type: none"> <li>* Work with social worker to encourage careleaver to explore the housing options available in the City in the private rented sector which may include a house share with other young people or their own private rented flat. This could enable careleavers to remain in an</li> </ul>

	<p>impacted if suitable accommodation can not be provided.</p>	<p>area of the city they had been living in.  * Encourage connections with other young people looking to privately rent so that complimentary groups can rent shared accommodation and help raise aspirations.  * Assistance with deposits, guarantors  * Life-skills course provision  * Monitor the impact on care leavers</p>
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Lead Equality Impact Assessment Officer:  
Head of Service  
Cabinet Member for Housing:

Elena Castells  
Sylvia Peckham  
Councillor Liz Wakefield

Date  
Date  
Date

25.01.2012

## **Appendix 7: Allocation Schemes and priority for care leavers across Sussex and other Local Authorities.**

Of the schemes looked at most use banding either A-D or 1-4.

<b>Name of Authority</b>	<b>Priority</b>	<b>Comments</b>
<u>Sussex Councils:</u>		
Arun District Council	B	“as authorised by Housing Services manager
Worthing District Council	A	“evidenced with relevant care plan, references where appropriate and plans in place to meet future care or support needs”
Horsham District Council	B	Need agreed careplan that has been discussed and approved through young person panel.
Mid Sussex District Council	A	12 weeks to bid successfully or Homemove bid on applicant’s behalf. If refuse offer, lose Band A status and banded according to housing need.
Lewes District Council	A	
Crawley Borough Council	B	
Eastbourne Borough Council	A	
<u>Unitary Authorities</u>		
Southwark Council	2	
Croydon Council	2	“is genuinely prepared for a move to indept living including life skills to manage a tenancy including a rent account. Careleaver is in need of either a long term or medium term tenancy support package, rather than short term which has been assessed and is in place.
Portsmouth City Council	2	“nominated by head of safeguarding subject to pre-agreed quota of tenancies.”
Medway council	B	Move on from care or leaving supported housing
Shropshire Council	B (Gold)	Move on from supported – no mention of care leavers
Barnet Council	B	Careleavers: <ul style="list-style-type: none"> <li>- need to possess lifeskills to manage a tenancy including a rent account.</li> <li>- Support package is in place.</li> <li>- Careleaver is in need of either long term or medium term tenancy support</li> </ul>

Name of Authority	Priority	Comments
Bedfordshire Council	3 (C)	
Northumberland Council	A (Priority Band)	
Cornwall Council		Priority decided by a Welfare Panel
<p>Westminster City Council - they award points rather than a banding system. They have a quota system in place and if agreed by the Children Act Accommodation Panel for a social housing tenancy they will be awarded 400 points. Only those needing to be decanted from a council tenancy and Cash Incentive scheme (ie. tenants wanting to downsize) are awarded higher points for studio and 1 bed accommodation.</p>		
<p>Southampton Council – we couldn't find any reference to careleavers in their scheme.</p>		



**CABINET****Agenda Item 247**

19 April 2012

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Housing Allocation Policy Review – Extract from the Housing Management Consultative Committee meeting held on the 19 March 2012</b>		
<b>Date of Meeting:</b>	<b>19 April 2012</b>		
<b>Report of:</b>	<b>Strategic Director: Resources</b>		
<b>Cabinet Member Responsible:</b>	<b>Councillor Wakefield, Cabinet Member for Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Caroline De Marco</b>	<b>Tel: 29-1063</b>
	<b>E-mail:</b>	caroline.demarco@brighton-hove.gov.uk	
<b>Wards Affected:</b>	All		

**BRIGHTON & HOVE CITY COUNCIL****3.00pm 19 March 2012****COUNCIL CHAMBER, HOVE TOWN HALL****DRAFT MINUTES**

**Present:** Councillors Randall (Chair); Duncan, Farrow, Mears, Peltzer Dunn, Pidgeon, Robins and Summers

**Tenant Representatives:** Ted Harman (Brighton East Area Housing Management Panel), David Murtagh (Brighton East Area Housing Management Panel), Trish Barnard (Central Area Housing Management Panel), Stewart Gover (North & East Area Housing Management Panel), Heather Hayes (North & East Area Housing Management Panel), David Avery (West Hove & Portslade Area Area Housing Management Panel), Roy Crowhurst (West Hove & Portslade Area Area Housing Management Panel), John Melson (Hi Rise Action Group), Tony Worsfold (Leaseholder Action Group), Tom Whiting (Sheltered Housing Action Group) and Barry Kent (Tenant Disability Network).

Apologies: Councillor Wakefield (away on council business) and Jean Davis, Central Area Housing Management Panel.

**PART ONE****91 HOUSING ALLOCATION POLICY REVIEW**

- 91.1 The Committee considered a report of the Strategic Director Place and the Strategic Director People which explained that the current Housing Register Allocations Policy was approved by the Housing Cabinet Member Meeting on 22 March 2011. Under the current policy young people leaving care (care leavers) were not automatically awarded Band A priority for social housing (Council & Registered Provider), but were assessed for housing depending on their housing need in the same way as other applicants. The current Allocation policy, however, did give the Lead Commissioner for Housing

discretion to award priority in exceptional circumstances. There was also a quota system in place for Children's Services to grant up to 15 cases Band A status per annum as decided by Children's Services. This was normally used for re-housing young people from local families.

- 91.2 Care leavers and their representatives had raised concerns with the Council regarding the current policy and had suggested that automatic Band A status should be reinstated for young people leaving care.
- 91.3 To ensure that the council were reflecting both the need to make best use of limited housing resources and fulfil the corporate parent role to young people leaving care, a review of the policy had been undertaken including public consultation over 12 weeks (7 November 2011 - 29 January 2012). A list of consultees was attached in Appendix 1.
- 91.4 Consequently, the report set out recommendations for revising the Allocations policy and its operation reflecting a stronger consideration of the Council's role as corporate parent to young people leaving care.
- 91.5 An amendment to the recommendation was submitted by the Labour & Co-operative and Green Groups. This was circulated to members.
- 91.6 The amendment recommended amending recommendations 2.1 and 2.3 listed in the report, so that:

- (i) Paragraph 3.22 was replaced by a new paragraph 3.22;
- (ii) Three new paragraphs at 3.23, 3.24 and 3.25 be inserted; and
- (iii) The existing paragraphs 3.23, 3.24 and 3.25 become paragraphs 3.26, 3.27 and 3.28 as detailed below and shown in bold italics:

The new recommendation would be that Cabinet recommends to Council that:

- 2.1 That the proposals set out in paragraphs 3.22 to 3.28 and also Appendix 3 to the report be approved;**
- 2.2 The Strategic Director; Place be authorised to amend the Council's Housing Allocations Policy to reflect the above changes; and
- 2.3 The Strategic Director; Place and the Strategic Director; People be authorised to take all steps necessary or incidental to the implementation of the proposals in paragraphs 3.22 to 3.28.**

Paragraphs 3.22 to 3.28 to read as follows:

- 3.22 That Band A priority should be available as one of a range of housing options offered to young people leaving care. Allocation of Band A priority should be based on individual need following a case conference involving the young person and all relevant parties.**
- 3.23 That a case conference panel or board is set up to facilitate the above at 3.22.**

- 3.24** *That robust support packages are created with the involvement of the young person in advance of their leaving care.*
- 3.25** *That the implementation of support packages and the sustainability and success of tenancies on the part of care leavers is monitored by the newly created Corporate Parenting Sub-Committee.*
- 3.26** Where a care leaver seeks to appeal an assessment decision and/or agreement cannot be reached by professional assessors, the matter is to be referred to the Strategic Director; People to arbitrate as the delegated corporate parent for the Council.
- 3.27** In addition, the Strategic Director; People and the Strategic Director; Place, will provide an annual report to the Council through a proposed Corporate Parent (sub) Committee on the impact of housing allocations on the management of council housing stock and the well being of care leavers.
- 3.28** With regard to other issues raised as part of the consultation as set out in Appendix 3, officers recommend that these changes are also accepted by Cabinet and subsequently recommended by Cabinet to Full Council for approval ***on 26 April 2012 to the nearest full-Council for approval.***

- 91.7 It was agreed that 3.28 (last line) above should be amended to read “by Cabinet to the nearest full Council for approval.”
- 91.8 Councillor Farrow stressed that care leavers were among the most vulnerable residents of the city. He stated that he could not support the original recommendations in the report, which he felt did not give enough emphasise on a support package. He moved the above amendment.
- 91.9 Stewart Gover expressed concern that that every time a care leaver was placed in Band A, someone in poor accommodation was moved down the waiting list. He was concerned that there was no mention of people on the waiting list who were living in poor conditions.
- 91.10 Councillor Robins recounted his personal experience of coping as a young person without a family. He had been able live with friends and get work. He expressed concern for young people who did not have a job, friends or a community to help them. He stressed the need for robust support packages.
- 91.11 John Melson expressed concern about the way the Allocations Policy was being handled and stressed that there were people with desperate housing needs in the Band A category. He welcomed the amendment but felt that paragraph 3.22 was a bit vague. He considered that there was a need to look at packages available to care leavers and the provision made by the CYPT. Mr Melson noted that in Appendix 7, the only unitary authority that used Band A for Care leavers was Northumberland Council. Of the total number of authorities listed, only 5 allocated Band A automatically.
- 91.12 Councillor Mears expressed grave concerns about the proposals in the report. She noted that homeless people and people in hostels were placed in Band C. She

considered that the proposal to place care leavers in Band A was worrying. Councillor Mears stressed that the current Allocations Policy was lawful and any suggestion that it was not lawful was factually incorrect.

91.13 Councillor Mears emphasised that Children's Services already had 15 allocations per year for Care Leavers and did not fill up their quota. She queried the funding of the proposals and asked if it was a budget cut. Councillor Mears referred to the Sustainability Implications in paragraph 5.4 and stated that this paragraph did not agree with the financial implications. Councillor Mears thought the paper was badly thought out and unnecessary and she would not support the proposals.

91.14 Roy Crowhurst stated that he failed to see how the proposals would help. The Care Leavers in question were people who needed other kinds of support in addition to housing. Mr Crowhurst stressed that there were many young people in their late 20s still living with their parents due to the shortage of housing.

91.15 Councillor Duncan supported the amendment. He stressed that the council were trying to improve the housing stock in order to offer more Band A property.

91.16 The Chair formally seconded the amended proposals. He considered that the Band A priority was one of a range of options and the amendment gave greater clarity.

91.17 A proposal was put that the tenants' representative should take a vote on the amended proposals and that councillors should accept their decision. The Senior Lawyer stressed that councillors on the Committee were required to use their own judgement when casting a vote.

91.18 An indicative vote from tenants was taken. 2 voted for the amended proposals and 8 voted against.

91.19 A vote of councillors was taken. The amended proposal was carried by 5 votes to 0.

91.20 **RESOLVED** – (1) That the comments of the HMCC as set out above be noted.

(2) That Cabinet recommends to Council that:

- (i) That the proposals set out in paragraphs 3.22 to 3.28 and also Appendix 3 to the report be approved;
- (ii) That the Strategic Director; Place be authorised to amend the Council's Housing Allocations Policy to reflect the above changes; and
- (iii) The Strategic Director; Place and the Strategic Director; People be authorised to take all steps necessary or incidental to the implementation of the proposals in paragraphs 3.22 to 3.28.

**Paragraphs 3.22 to 3.28 to read as follows:**

**3.22** *That Band A priority should be available as one of a range of housing options offered to young people leaving care. Allocation of Band A priority should be*

***based on individual need following a case conference involving the young person and all relevant parties.***

- 3.23 That a case conference panel or board is set up to facilitate the above at 3.22.***
- 3.24 That robust support packages are created with the involvement of the young person in advance of their leaving care.***
- 3.25 That the implementation of support packages and the sustainability and success of tenancies on the part of care leavers is monitored by the newly created Corporate Parenting Sub-Committee.***
- 3.26 Where a care leaver seeks to appeal an assessment decision and/or agreement cannot be reached by professional assessors, the matter is to be referred to the Strategic Director; People to arbitrate as the delegated corporate parent for the Council.***
- 3.27 In addition, the Strategic Director; People and the Strategic Director; Place, will provide an annual report to the Council through a proposed Corporate Parent (sub) Committee on the impact of housing allocations on the management of council housing stock and the well being of care leavers.***
- 3.28 With regard to other issues raised as part of the consultation as set out in Appendix 3, officers recommend that these changes are also accepted by Cabinet and subsequently recommended by Cabinet to the nearest full-Council for approval.***



<b>Subject:</b>	<b>A New Constitution for Brighton &amp; Hove City Council – Updating Report</b>		
<b>Date of Meeting:</b>	<b>26<sup>th</sup> April – Special Council</b> 17 <sup>th</sup> April – Leaders Group		
<b>Report of:</b>	<b>Monitoring Officer</b>		
<b>Contact Officers:</b>	<b>Abraham Ghebre-Ghiorghis</b>	<b>Tel: 29-1500</b>	
	<b>abraham.ghebre-ghiorghis@brighton-hove.gov.uk</b>		
	<b>Elizabeth Culbert</b>	<b>Tel: 29-1515</b>	
	<b>elizabeth.culbert@brighton-hove.gov.uk</b>		
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. Summary and Policy context**

- 1.1 This updating report is to be read in conjunction with the full report made to the Governance Committee on 20 March 2012 and the recommendations of that Committee to the Council.
- 1.2 The report brings forward some changes to be incorporated in the final version of the new constitution. A number of these stem from recently made Regulations which come into force on 4 May 2012.

**2. Recommendations**

- 2.1 That the Council notes the updating and amending of (a) Appendix 1 of the report to the Governance Committee and (b) the complete set of new constitution documents, as mentioned in this report.
- 2.2 That the Council approves the amendment to the Pay Policy set out in paragraph 6.3 of this report.
- 2.3 That the Council approves the following:-
  - (1) That the Council resolves, in accordance with section 9KC of the Local Government Act 2000, to change its governance arrangements from Leader and Cabinet to a Committee System;
  - (2) That the parts of the constitution set out in Appendix 1 to the report to the Governance Committee (being the parts where there are substantive changes) be approved;
  - (3) That the transitional arrangements in relation to the Audit and Standards Committees, as set out in paragraph 16.3 of the report to the Governance Committee, be approved and adopted until such time that the relevant Regulations relating to standards are made and come into force;

- (4) That the current scheme of delegations to officers be approved subject to the changes set out at Appendix 5 to the report to the Governance Committee and any other consequential modifications;
- (5) That the rest of the existing constitution be approved and adopted, subject to such amendments as are necessary to make them fit for a committee system;
- (6) That the Monitoring Officer be authorised to make the minor and consequential changes referred to in resolutions (4) and (5) above;
- (7) That the constitution as set out in Appendix 1 to the report to the Governance Committee, with the addition of the parts referred to in resolution (5) above, be approved and adopted as the Council's constitution in accordance with the requirements of the Local Government Act 2000 and relevant Regulations, Orders and Directions made by the Secretary of State;
- (8) That the new system of governance and the new constitution come into force immediately after the conclusion of Annual Council on 17 May 2012;
- (9) That the Chief Executive be authorised to take all steps necessary or incidental to the implementation of the new governance arrangements, including the power to make such transitional arrangements as are necessary for the orderly implementation of the proposals;
- (10) That officers be instructed to make copies of the Council's new constitution available at its principal offices and to publish a notice describing the new arrangements, in accordance with section 9KC of the Local Government Act 2000; and
- (11) That it be noted that the issue of Member's Allowances dealt with separately elsewhere on the agenda and that any proposed Code of Conduct be referred to Council as part of the recommendations from the Standards Committee.

### **3. Background**

- 3.1 Since the meeting of the Governance Committee on 20 March, officers have continued to check through the documents of the new constitution to eliminate minor inconsistencies & typographical errors and make minor updates. For example, the Health & Social Care Bill has become an Act since the meeting of the Governance Committee.
- 3.2 None of the above changes is of significance, but there are some amendments of more substance which are recommended for incorporation in the new constitution. These are described in paragraphs 4 and 5 below. There is also one other matter, concerning the Pay Policy Statement, which is indirectly relevant to the constitution, set out at 6 below.



3.3 All the amendments, including those mentioned in paragraphs 4 and 5, have been added in a revised version of Appendix 1, which is now attached to the report to the Governance Committee in place of the original Appendix 1. The version of the whole new constitution available on-line for the Governance Committee meeting has also been amended and the amended version has replaced the original version on-line.

#### **4. Local Authorities (Committee System) (England) Regulations 2012**

4.1 Laid before Parliament on 10 April, these Regulations come into force on 4 May 2012. They have particular relevance for any authority adopting a committee system and therefore for the Council's the new constitution as they (a) list functions which must be discharged by full Council and (b) set out the overview and scrutiny requirements for any authority which decides to have such committees.

##### **Council Functions**

4.2 Appendix 1 Part 3.1 "Council Functions" sets out functions which must be discharged by full Council. It has now been amended as described at (a) to (e) below, (a) to (d) being necessary to ensure due compliance with the Regulations:-

(a) the addition, in the section relating to Members' Allowances, of a reference to the need for full Council to determine any allowances payable to the Mayor and Deputy Mayor. In practice, the full Council already does this, but as these two allowances are not made under the same scheme as Members' Allowances it is advisable to mention them specifically.

(b) the addition of four matters which would need full Council approval if the Council ever wished to implement any of them, ie

- (i) making a request to the Boundary Commission for single-member electoral areas;
- (ii) passing a resolution to change the scheme for local elections;
- (iii) making an order to give effect to recommendations in a community governance (parish) review;
- (iv) making a scheme to permit co-opted members of overview and scrutiny committees to vote at committee meetings.

(c) adding "the Annual Investment Strategy" to the Policy Framework, in the first section with the other plans and strategies required by law to be adopted by full Council.

(d) amending the definition of "Budget" which has to be approved by full Council by the addition of the words underlined, to read "The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax, and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, the determining of its minimum revenue provision and the setting of virement limits."

(e) removing the reference to the Leasehold Reform, Housing and Urban Development Act 1993 in the definition of "Housing Land Transfer" as the

relevant section of that Act has been repealed. The definition now refers only to the relevant sections of the Housing Act 1985.

## **Overview and Scrutiny**

- 4.3 The Regulations make detailed provisions for Overview and Scrutiny in a committee system authority. The Council's Overview and Scrutiny Terms of Reference and Procedure Rules are contained in Appendix 1 of the report to the Governance Committee as Part 5 of the new constitution. A longer look at the Regulations and Part 5 may produce some desirable changes, but at this stage Part 5 appears to take account of all the matters of substance in the Regulations. Therefore no amendments have been made at this stage.
- 4.4 It is noted that the Regulations require the Council to designate a Scrutiny Officer for its overview and scrutiny functions, and Part 6.6 of the new constitution – the list of Statutory and Proper Officers – duly includes the Head of Overview and Scrutiny as the Scrutiny Officer.
- 4.5 The Regulations also require the Council to continue to appoint church representatives and parent governor representatives to the overview and scrutiny committee which deals with education, in the Council's case the Health and Wellbeing Overview and Scrutiny Committee. The new constitution already takes this into account in Article 6 (Committees and Sub-Committees) and Part 5. Under the regulations, these co-optees retain limited voting rights in relation to education functions which being considered at any meeting of the Committee.
- 4.6 The Regulations give the Council power to make a scheme to permit non-voting co-optees to vote at Overview and Scrutiny Committees. If at any future date it is considered that this might be appropriate, approval of the scheme would be a matter reserved to the full Council – see paragraph 4.2 (b) (iv) above.

## **5. City Sustainability Partnership**

- 5.1 The City Sustainability Partnership is one of the Advisory Groups whose terms of reference have been included in Part 4 of the constitution – “Scheme of Delegations to Committees and Sub-Committees”. It is an independent strategic body working to promote the sustainable development of Brighton & Hove. The terms of reference originally incorporated in the new constitution reflected those in force when the current constitution was adopted in 2008. In fact the terms of reference have changed and so suitably updated terms of reference are now incorporated in the revised Appendix 1 to the report to the Governance Committee, Part 4.

## **6. Pay Policy**

- 6.1 The Council's recently approved Pay Policy Statement 2012-13, which is not directly one of the documents in the new constitution but is relevant to the exercising of the powers and duties of the Council, provides at section 4 Governance:- “Where it is proposed to offer a salary package of £100,000 or more full Council will have the opportunity to vote on the salary package prior to the appointment being made”.

- 6.2 Whilst this is appropriate for all new posts, in any case where an existing post with a salary package of this amount becomes vacant and needs to be filled there could well be unnecessary delay in making an appointment if the full Council has to consider a report before this can be done. There could be further problems trying to deal with the matter at full Council if the post happened to be one of several generic posts all on the same terms and conditions. Policy and Resources Committee has the delegated power to discharge the Council's functions as an employer, and would appear to be a better forum for dealing with existing posts. Therefore it is recommended that the Pay Policy be amended to permit existing posts to be advertised and filled provided that Policy and Resources Committee (or its Urgency Sub-committee) has given prior approval.
- 6.3 The proposed amended passage is:- "Where it is proposed in relation to a post to offer a salary package of £100,000 or more full council will have the opportunity to vote on the salary package of any new post prior to the appointment being made and Policy and Resources Committee or its Urgency Sub-Committee will have the opportunity to vote on the salary package of any existing post prior to the appointment being made."

## **7. Community engagement and consultation**

- 7.1 The decision to move to a committee system of governance was made by a meeting of full council in December 2011. The design principles, working assumptions, draft structure and draft constitution documents have all been considered by the New Constitution Working Group and the Leaders Group.
- 7.2 The constitution and a summary document will be available to the public both at Council offices and on the Council's website.

## **8. Financial and other implications**

- 8.1. The financial implications, legal implications, equalities implications, sustainability implications, crime & disorder implications, risk and opportunity management implications, public health implications and corporate / citywide implications remain as in the report to the Governance Committee, except that the Finance Officer consulted was Nigel Manville on 11 April 2012.

## **SUPPORTING DOCUMENTATION**

**Appendices: these are all attached to the report to the Governance Committee**

1. Key documents from the proposed new constitution [amended version as described in this report]
2. Design Principles document
3. Working Assumptions document
4. Proposed committee structure chart
5. Note regarding officer delegations
6. Table showing proposed size and allocation of Committees
7. Protocol in relation to co-optees.

### **Documents in Members' Rooms**

1. Brighton & Hove City Council Constitution – May 2012 [amended version, as described in this report]

### **Background Documents**

1. None

26 April 2012

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>A New Constitution for Brighton &amp; Hove City Council – Extract from the proceedings of the Governance Committee Meeting held on 20 March 2012</b>		
<b>Date of Meeting:</b>	<b>22 March 2012</b>		
<b>Report of:</b>	<b>Strategic Director; Resources</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mark Wall</b>	<b>Tel: 29-1006</b>
	<b>E-mail:</b>	<b>mark.wall@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>All</b>		

**GOVERNANCE COMMITTEE**

**4.00 pm 20 March 2012  
COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Littman (Chair), A Norman (Deputy Chair), Cox, Mitchell, Morgan, Powell, Randall, G Theobald, MacCafferty and Shanks.

**Also in attendance:** Mr. S. Keane, Chairman of the Independent Remuneration Panel.

**PART ONE****77. A NEW CONSTITUTION FOR BRIGHTON & HOVE CITY COUNCIL**

77.1 The Committee considered the report of the Monitoring Officer which set out a new constitution for Brighton & Hove City Council. The Localism Act 2011 gave local authorities the option of adopting a committee based system of governance. In December 2011 Full Council resolved, in principle, to move to a committee system at the earliest opportunity. Following that resolution a New Constitution Member Working Group was set up to work with officers to implement that system. The new system would have fewer decision making bodies, going from 24 to 19, which would be more cost effective and streamlined and it would be more inclusive as it would allow all parties to be involved. The opportunity for both Members and the public to ask questions, submit deputations and petitions etc would be retained. It should be noted that Brighton & Hove City Council would be the first authority to bring in the committee system under the new legislation.

77.2 Councillor Morgan, as a member of Working Group, thanked officers for their work in this matter. The Working Group wanted to ensure that a clear democratic system be provide, so the public would understand how and when decision would be made.

- 77.3 Councillor Randall agreed with Councillor Morgan and wanted to thank officers and members of the Working Group for all their hard work. It was important that the democratic process was inclusive and felt it was a better system than the Leader and Cabinet model.
- 77.4 Councillor Norman also thanked all those involved, and for having completed it in such a short period of time. Councillor Norman referred to paragraph 8.2 of the report and suggested that the three party spokespersons on Adult Care and Health be nominated to attend the Joint Commissioning Board. Councillor Norman was advised that that was the intention, but a protocol would be taken to Leaders Group.
- 77.5 Councillor Theobald thanked everyone who was involved in this matter. Councillor Theobald noted that it was proposed that the Policy & Resources Committee have ten Members, but argued that given the expected workload it would be more appropriate to have twelve members. He noted that the previous Policy & Resources Committee had fifteen Members. Councillor Theobald moved two amendments to the suggested recommendations. The amendments were seconded by Councillor A. Norman. The amendments were:

- (1) That recommendation 2.1 (ii) relating to Part 2 of the Constitution, Article 6, Committees and Sub-Committees (page 106 of the agenda) and Appendices 1 and 6 to the report be amended to reflect:*

*That the Policy & Resources Committee has a total of 12 seats, to be allocated in direct proportion to the split of seats on the Council – Green 5, Conservative 4 and Labour 3.*

- (2) That recommendation 2.1 (ii) relating to Part 2 of the Constitution, Article 6, Committees and Sub-Committees (page 106 of the agenda) and Appendices 1 and 6 to the report be amended to reflect:*

*That the proposed Environment & Sustainability and Transport Committees be combined to form one Environment Committee, leading to approximate savings to the Council of £15,000 per annum.*

- 77.6 Councillor Mitchell stated that she would not be supporting the amendments as she felt that ten members for Policy & Resources would be adequate and would be the same as other committees.

- 77.7 **RESOLVED:** That the committee recommends to Council:

- (1) That the Council resolves, in accordance with section 9KC of the Local Government Act 2000, to change its governance arrangements from Leader and Cabinet to a Committee System;
- (2) That the parts of the constitution set out in Appendix 1 to the report (being the parts where there are substantive changes) be approved;
- (3) That the transitional arrangements in relation to the Audit and Standards Committees, as set out in paragraph 16.3 of the report, be approved and adopted

until such time that the relevant Regulations relating to standards are made and come into force;

- (4) That the current scheme of delegations to officers be approved subject to the changes set out at Appendix 5 to the report and any other consequential modifications;
- (5) That the rest of the existing constitution be approved and adopted, subject to such amendments as are necessary to make them fit for a committee system;
- (6) That the Monitoring Officer be authorised to make the minor and consequential changes referred to in resolutions (4) and (5) above;
- (7) That the constitution as set out in Appendix 1 to the report, with the addition of the parts referred to in resolution (5) above, be approved and adopted as the Council's constitution in accordance with the requirements of the Local Government Act 2000 and relevant Regulations, Orders and Directions made by the Secretary of State;
- (8) That the new system of governance and the new constitution come into force immediately after the conclusion of Annual Council on 17 May 2012;
- (9) That the Chief Executive be authorised to take all steps necessary or incidental to the implementation of the new governance arrangements, including the power to make such transitional arrangements as are necessary for the orderly implementation of the proposals;
- (10) That officers be instructed to make copies of the Council's new constitution available at its principal offices and to publish a notice describing the new arrangements, in accordance with s9KC of the Local Government Act 2000; and
- (11) That it be noted that the issue of Member's Allowances dealt with separately elsewhere on the agenda and that any proposed Code of Conduct be referred to Council as part of the recommendations from the Standards Committee.





<b>Subject:</b>	<b>A New Constitution for Brighton &amp; Hove City Council</b>
<b>Date of Meeting:</b>	<b>26<sup>th</sup> April 2012 – Special Council</b> 20 <sup>th</sup> March 2012– Governance Committee
<b>Report of:</b>	<b>Monitoring Officer</b>
<b>Contact Officers:</b>	<b>Abraham Ghebre-Ghiorghis Tel: 29-1500</b>  <b>abraham.ghebre-ghiorghis@brighton-hove.gov.uk</b> <b>Elizabeth Culbert Tel: 29-1515</b> <b>elizabeth.culbert@brighton-hove.gov.uk</b>
<b>Ward(s) affected:</b>	<b>All</b>

**FOR GENERAL RELEASE****1. Summary and Policy context**

- 1.1 The Localism Act 2011, which received Royal Assent in November 2011, gives local authorities the option of adopting a committee-based system of governance. Prior to this change, the only permissible systems of governance available to Brighton & Hove City Council were an elected mayor and cabinet or a strong leader and cabinet model.
- 1.2 In December 2011 full council resolved, in principle, to move to a committee system at the earliest opportunity and instructed officers to develop proposals. Following the resolution, a New Constitution Member Working Group consisting of Councillors J Kitcat (Chair), Peltzer-Dunn and Morgan was set up to work with officers. The Working Group and the Leaders Group have now completed the work and the key documents from the proposed constitution are attached as Appendix 1 to this report.
- 1.3 This report seeks approval to adopt a committee based system of governance with effect from Annual Council on 17<sup>th</sup> May 2012.

**2. Recommendations**

- 2.1 The Governance Committee recommends to Council:-
  - i) That the Council resolves, in accordance with section 9KC of the Local Government Act 2000, to change its governance arrangements from leader and cabinet to a committee system;
  - ii) That the parts of the constitution set out in Appendix 1 (being the parts where there are substantive changes) be approved;

- iii) That the transitional arrangements in relation to the Audit and Standards Committees, as set out in paragraph 16.3, be approved and adopted until such time that the relevant Regulations relating to standards are made and come into force;
- iv) That the current scheme of delegations to officers be approved subject to the changes set out at Appendix 5 and any other consequential modifications;
- v) That the rest of the existing constitution be approved and adopted, subject to such amendments as are necessary to make them fit for a committee system;
- vi) That the Monitoring Officer be authorised to make the minor and consequential changes referred to in paragraphs 2.1(iv) and 2.1(v);
- vii) That the constitution set out in Appendix 1, with the addition of the parts referred to in 2.1 (v) above, be approved and adopted as the Council's constitution in accordance with the requirements of the Local Government Act 2000 and relevant Regulations, Orders and Directions made by the Secretary of State;
- viii) That the new system of governance and the new constitution come in force immediately after the conclusion of annual council on 17<sup>th</sup> May 2012;
- ix) That the Chief Executive is authorised to take all steps necessary or incidental to the implementation of the new governance arrangements, including the power to make such transitional arrangements as are necessary for the orderly implementation of the proposals;
- x) That officers are instructed to make copies of the Council's new constitution available at its principal offices and to publish a notice describing the new arrangements, in accordance with s9KC of the Local Government Act 2000;
- xi) To note that the issue of Member's Allowances is dealt with separately elsewhere on the agenda and that any proposed Code of Conduct will be referred to Council as part of recommendations from the Standards Committee.

### **3. Background**

3.1 For most local authorities, governance is a dry subject and not of much interest. Not so in Brighton and Hove! Over the last ten years, the Council has been at the cutting edge of innovation when it comes to governance.

#### **3.2 Executive Board in waiting (1998 – 2001).**

3.2.1 Following the election of a new Government in 1997, proposals emerged to change local authority governance arrangements. Whilst most local authorities waited for legislation, Brighton and Hove introduced an "Executive Board in Waiting" and "Executive Decision Making" system of governance. The EBIW and EDMs were not legally decision-making meetings. They were advisory. Following the meeting, an officer had to make a decision using his/her delegated powers but in effect always followed the advisory resolutions of the EBIW/EDM. This required an innovative application of the law and careful implementation in practice.

#### **3.3 Elected Mayor**

3.3.1 The Council was on schedule to become the first local authority to adopt an elected Mayor in 2000/2001. Local authorities had to submit their governance proposals to the Secretary of State. If their proposal included an elected mayor, then the proposal had to be put to a referendum. Local authorities were also

required to state what the fall-back positions would be if the proposals for an elected mayor were rejected in a referendum. One of the options available as a fall-back proposal was “alternative arrangements” which was basically a committee system with scrutiny. However, this option was available only as a fall-back proposal not as a first choice.

- 3.3.3 On 18<sup>th</sup> October 2001, a referendum on the elected mayor proposal was held. The proposal was rejected and therefore the council proceeded to adopt the alternative arrangements as a fall-back option.

### **3.4 Alternative Arrangements (2002-2008)**

- 3.4.1. The Council was the only authority of its size to adopt alternative arrangements. Despite initial concerns about a potential gridlock, the system operated effectively, including implementing major infrastructure projects. The arrangements did cause some technical issues of interpretation in some areas. For example, when the government introduced the Children Act 2004 and the legislation relating to Health Scrutiny, they assumed that all County Councils and Unitary Authorities had executive systems. We therefore had to apply innovative ways of giving effect to the legislation so that it did not make a difference in practice.

### **3.5 Leader and Cabinet System (2008-2012)**

- 3.5.1 The Government was anxious to ensure that all large councils adopted an executive system of governance. The Local Government and Public Involvement in Health Act 2007 compelled the Council to move to a leader and cabinet model, with three sections in the Act specifically dealing with Brighton & Hove, without mentioning the Council by name. The Council thus moved to a new style leader and cabinet model at its annual council meeting in May 2008.
- 3.5.2 The new leader and cabinet system implemented in Brighton and Hove was developed by cross-party consensus and, as far as we are aware, is one of the most open and inclusive executive systems in the country. For example, the decision was taken to hold all Cabinet and Cabinet Member Meetings in public, with full access to elected Members and the public to those meetings in terms of presenting petitions, deputations and letters. The Council also adopted a petitions scheme with a relatively low threshold to enable petitions to trigger full council debates.

### **3.6 Moving Forward to a New System of Governance**

- 3.6.1 The Localism Act 2011 makes it possible for local authorities to choose one of three options: (a) an elected mayor and a cabinet, (b) a leader and a cabinet, and (c) a committee system. The largest 12 local authorities are required to hold a referendum for an elected mayor. Brighton & Hove is the 13<sup>th</sup> or 14 largest local authority by population depending on which version of the population size one takes and was therefore not required to hold a referendum.
- 3.6.2 Given the opportunity presented by the Act, full council resolved in principle in December 2011 to move to a committee system with effect from annual council

in May 2012. The legislation states that the earliest that a local authority can change its governance arrangements is at the annual council following the passing of a resolution by full council.

#### **4. The Design Principles**

4.1 In order to ensure that the Council's new constitution is as effective as possible, the Member Working Group and the Leaders Group agreed a set of design principles. These are set out in Appendix 2 to this report and include:

- (1) Openness and Transparency
- (2) Accountability
- (3) Efficiency
- (4) Soundness
- (5) Affordability
- (6) The third way, and
- (7) Forward Looking

4.2 It is important to emphasise the need for the constitution and ways of working to reflect modern best practice. It is therefore proposed to maximise the use of information technology and to have streamlined, efficient and quick decision-making practices and procedures. It is also proposed to keep the best bits of the executive system including overview and scrutiny, the petitions scheme, a revised forward plan, public questions at all meetings and public speaking at planning committees.

4.3 The proposed committee structure is designed to be streamlined and cost effective. The table below shows the number of decision-making bodies/committees under the different arrangements over the years.

<b>Structure</b>	<b>Number of decision making bodies</b>
Alternative Arrangements (2002)	21
Leader and Cabinet (2008 - Present)	24
Committee System (Proposed) From May 2012 onwards	19

4.4 With possible further reduction in the number of committees (for example the JCB) this will be the most streamlined Member structure the Council has had since it came into existence in 1997.

#### **5. Working Assumptions**

5.1 In order to develop a constitution that reflects the political and organisational culture of the council as well as the city, certain assumptions were made. These are set out in Appendix 3 of this report. They in turn informed the development of the constitution.

5.2 The following paragraphs of this report explain key aspects of the constitution, flagging up any issues of significance. A structure chart showing the different committees and sub-committees is attached as Appendix 4.

## 6. Full Council

- 6.1 In an executive system “sovereignty” is divided between council and the executive as most powers are given by parliament directly to the Leader rather than through Council. Under the committee system, full council is the sovereign body. Committees and officers have authority only to the extent that full council permits it through the scheme of delegations under the constitution or through specific authorisations.
- 6.2 Under both alternative arrangements and the executive system, certain functions were reserved to full council by law. These were supplemented by a number of plans and strategies which the Council chose to designate as full Council function. These, taken together, constitute the policy framework. It is proposed that all these plans and strategies continue to be reserved to full council. It means only full council may approve or amend them. Section 3.1 of the constitution (Appendix 1) lists these plans and strategies. In addition to the policy framework, the following functions are proposed to be reserved to full council:
- Appointment of the Chief Executive
  - Budget Setting
  - Terms of Reference of Committees
  - Appointment to outside bodies
  - Members’ Allowances
  - Adoption of and amendments to the Code of Conduct for Members
  - Conferring honorary titles and changing name of the area
  - Approving byelaws and promoting local legislation
- 6.3 Although full council, as sovereign body, can exercise all council functions, including reversing decisions taken by committees or officers, there are some exceptions:
- (a) the Health & Wellbeing Board and the Audit and Standards Committee will have certain functions vested in them directly by parliament which are not subject to council approval;
  - (b) certain functions are vested in statutory officers such as the Chief Executive, the Director of Children’s Services, the Monitoring Officer, the Chief Finance Officer and the Director of Adult Social Services. These are exercisable by the relevant officer and full council cannot interfere in such decisions;
  - (c) the powers of council have to be exercised in accordance with administrative law principles. This means that normally decisions taken by a committee under delegated powers stand and cannot be reversed by council unless the original decision is unlawful or there is significant relevant evidence that was not taken into account when the original decision was made which justifies a reversal of the decision. The need for consistency, certainty and finality means that full council should not be used as an appellate body against decisions taken by committees. Save in very exceptional circumstances, decisions taken lawfully by a committee or an officer under delegated powers are final and binding.

## **7. The Health & Wellbeing Board**

7.1 This is a committee set up under the Health and Social Care Bill. Until the legislation receives Royal Assent and comes into force (expected April 2013) this will operate as a shadow board.

7.2 The main *statutory* functions of the committee are:

- Preparing the Joint Strategic Needs Assessment (JSNA)
- Preparing a Health & Wellbeing Strategy
- Encouraging co-operation and joint working in the provision of health & social care services.

In addition, local authorities are authorised to give the committee other functions they consider appropriate.

7.3 During the shadow period, the Health and Wellbeing Board will operate as an advisory body. Unusually for a committee of a local authority, it requires specific officers (including the Directors of Children's Services and Adult Social Services and some health officials) to be voting co-optees. The Council is not able to exercise any of the Health and Wellbeing Board's functions listed above and it is expected that the Secretary of State will make regulations exempting the committee from many of the procedural requirements that apply to committees.

## **8. Adult Care & Health & JCB**

8.1 The Adult Care & Health Committee will replace the existing Adult Social Care & Health CMM. It is proposed to review the need for the Joint Commissioning Board (JCB) in the light of the change to a committee system and also the creation of the Health and Wellbeing Board. The JCB is a joint meeting of the Council and the PCT currently required under our joint working (Section 75) arrangements for adult social care and health services. The existing Section 75 arrangements need to be reviewed and appropriate arrangements made with the successor bodies to the PCT.

8.2 The JCB operates as a separate but concurrent meeting of the PCT and the Council. This means that, under the new committee system, all members of the council's Adult Care and Health Committee would be entitled to attend. However, this has the risk of disproportionately high representation from the Council. It is therefore proposed that, in line with previous custom and practice, only a limited number of Members, agreed between the political groups, will attend.

## **9. Children & Young People & CYPTB**

9.1 The new Children & Young People Committee will replace the existing Children & Young People's CMM. It will also incorporate the Children & Young People's Trust Board (CYPTB). The CYPTB was required to approve the Children and Young People's Plan. This is no longer a requirement and therefore the Board no longer has any statutory functions. The legislative requirement for a CYPTB has not yet been removed despite its functions having been removed and therefore

the Children & Young People's Committee will be the CYPTB for the purposes of the Children Act 2004 until that anomaly is addressed. Following a review of the current co-optees to the CYPTB, it is proposed that a number of these are co-opted into the Children & Young People's Committee.

## **10. Economic Development & Culture**

10.1 This committee will cover all functions currently comprised in the delegations to the Cabinet Member for Planning, Economy, Employment and Regeneration and those comprised in the delegations to the Cabinet Member for Culture. It will be responsible, among other things for planning policy that does not require full council approval.

## **11. Housing and Housing Management Consultative Sub Committee**

11.1 The Housing Committee will take over responsibility from Housing CMM. The Housing Management Consultative Committee will retain its existing role, but will be advising the Housing Committee rather than the Cabinet Member.

11.2 The Tenant Innovation Group is currently looking at ways of engaging with tenants more effectively, including the development of tenant scrutiny in line with the requirements of the Localism Act. As part of its work programme, the group will be asked to consider the future role of the Housing Management Consultative Committee, how that sits with the Tenant Scrutiny model, and whether the emerging structures provide for a better model for involving tenants in decision making. The council will be informed and guided by the proposals of the Tenant Innovation Group.

## **12. Policy & Resources Committee**

12.1 This will be the main committee of the Council and will be responsible for any decisions that have corporate budgetary or policy implications. It is expected to be chaired by the Leader of the Council with group leaders and chairs of key policy committees as members. Any decisions at member level that involve the acquisition or disposal of land will be reserved to the Policy & Resources Committee. It will also act as the committee responsible for equalities, communities, strategy, partnerships, human resources and as the general purposes committee.

12.2 The Policy & Resources Committee will have two sub-committees. The Personnel Appeals Sub-Committee deals with appeals against dismissals and grievances. The Corporate Parenting Sub-Committee will operate as an advisory sub-committee in connection with the discharge of council functions regarding children in care and care leavers. It is being set up to highlight the importance of the Council's role as a corporate parent and one of its functions will be to ensure appropriate training for members on the Council's responsibilities.

## **13. Environment and Sustainability Committee**

13.1 This committee will replace the functions of the Cabinet Member for Environment & Sustainability. Its remit covers parks and green spaces, environmental health,

trading standards, Romany, Travellers and Gypsies, waste, coastal protection and flood defence, seafront issues, bereavement and coroners services and sustainability.

#### **14. Transport Committee**

14.1 This committee replaces the functions of the Cabinet Member for Transport. It will be responsible for highways management, traffic management and transport, parking and public space (including the Council's functions regarding spaces to which the public have rights of access, such as the highway and street furniture on the highway).

#### **15. Planning and Licensing Committee**

15.1 The proposals involve no changes to current arrangements regarding Planning & Licensing Committee and Licensing Panels.

#### **16. Audit and Standards Committee**

16.1 The Localism Act introduces measures that change the current standards regime. This means a Standards Committee does not have to have Parish Council co-optees and is required to have only one, non-voting, independent member. The Standards Committee will no longer have power to impose sanctions. Most of the work of standards has also, up to now, been conducted by the Standards Panel that considers complaints against members. It is therefore proposed to merge the two committees and adopt agenda planning that keeps the overall business of the committees to manageable levels. This may also involve a two part agenda so that members or independent members who do not wish to stay for the whole session would not have to do so.

16.2 The Commencement Order bringing the changes to the standards regime into force has not been made yet. There is also a need for secondary legislation to make provision for the registration and declaration of members' interests.

16.3 Until the relevant standards provisions come into force, it will be necessary to continue to operate under the existing system. This means voting independent members and Parish Council representatives will continue to be members of the committee until the new regime commences. It is therefore proposed that:

- a) the merger of the two committee takes place on the date that the constitution comes into force;
- b) the committee, as an interim measure, adopts a two part agenda starting with standards followed by audit;
- c) the independent member chairs the committee when sitting as a Standards Committee and a Councillor chairs the meeting when the committee acts as an Audit Committee;
- d) the existing independent members (3) and Parish Council representatives (2) continue as members of the committee with voting rights on standards matters;
- e) the above arrangements cease to operate once the provisions of the Localism Act relating to standards come into force;



- f) Once the new regime is in force, the Audit and Standards Committee is authorised to adopt such arrangements (including chairing) as are consistent with the requirements of the law and having regard to the advice of the Monitoring Officer and the Director of Finance.

## **17. Overview and Scrutiny Committee**

- 17.1 Looking at the operation of scrutiny functions over the last few years, the biggest success, in terms of outcomes, has been the work done by scrutiny panels (ad-hoc or select committees) which has informed council decisions and policy formulation. The positive impact of external expert witnesses and co-optees has also been exceptional.
- 17.2 The change to a committee system means the number of Members serving on policy committees will reduce the pool of Members available to do scrutiny work. In addition, given the cross-party nature of the committees, there will be an “in-committee” challenge to decision making.
- 17.3 Taking the above into account, it is proposed to reduce the number of scrutiny committees to two. The Health and Wellbeing Overview & Scrutiny Committee will deal with scrutiny of health, children’s services and adult social care. All other scrutiny functions, including overall responsibility for co-ordinating work programmes and reviewing procedures, will be done by the Overview & Scrutiny Committee. The Overview and Scrutiny Committee will be the designated Crime and Disorder Committee as required by the Police and Justice Act 2006 and will undertake scrutiny of flood and coastal erosion plans as required by the Localism Act 2011.
- 17.4 Under the Localism Act 2011, scrutiny is not a mandatory requirement for councils adopting committee arrangements. However, given the significant positive impact of scrutiny in identifying evidence-led, cross-party solutions to problems and in formulating policy in controversial areas (such as travellers), it is proposed that overview and scrutiny is retained in a reformed and refocused way to fit a committee system.
- 17.5 There are no regulations in force requiring a scrutiny function to have a facility for calling in decisions taken but not implemented. However, given the existing regulations that apply to alternative arrangements have this, and given the indications from Government that the new regulations are likely to contain similar provisions, it is considered appropriate to include a provision for call-in. However, as the committee taking decisions will have voting members from the largest group and the opposition, it is not considered that this facility should be used frequently. It is therefore proposed to limit call-in to cases where five or more members from two or more political groups request it.
- 17.6 Two types of Overview and Scrutiny Review Panels are identified in the procedures. These are Policy Review Panels and Scrutiny Review Panels (Part 3.2 of the constitution). These cover the different types of in-depth work the Panels may consider – namely investigating areas of concern regarding decisions or actions taken by the Council (Scrutiny Review Panels) or policy review and development (Policy Review Panels).

17.7 Also included in the new proposals are arrangements for “Councillor Call for Action”. This is a procedure which enables any member of the council to refer to an overview and scrutiny committee any local issue which directly affects their ward. The Localism Act 2011 broadened the scope of Councillor Call for Action by extending it beyond matters that relate to council functions to any local matter, whether it relates to a council function or not.

## **18 Police and Crime Panel**

18.1 This is a panel to be set up under the Police Reform of Social Responsibility Act 2011 and is responsible for scrutinising the work of the elected Police and Crime Commissioner (PCC) for Sussex. Although it technically has the status of a joint committee of all local authorities in Sussex, including District Councils, the Council’s role is largely limited to appointing a representative to the panel. The terms of reference included in the constitution are for illustrative purposes and drafted based on the legislation as it stands. They will need to be replaced by the final terms of reference to reflect further secondary legislation and in time for the election of the PCC in November 2012.

## **19. Advisory Bodies**

19.1 There are no proposed changes to the advisory commissions, panels and fora contained in the constitution except to change reporting lines and other references from Cabinet or Cabinet Members to the relevant committees. The only exception is the Arts Commission which it is proposed be re-named as the Arts and Creative Industries Commission with slightly amended terms of reference. These changes are proposed to update the terms of reference to more accurately reflect the work the Commission does and its city-wide focus.

## **20. Officer Delegations**

20.1 There are no substantive changes to officer delegations and anything that requires Member approval under the current arrangements will continue to do so under the new arrangements. The amendments to officer delegations will simply make the scheme committee fit by replacing references to Cabinet or Cabinet Members to references to the relevant Committee or Chair. The only exception to this relates to property acquisition and disposal and hackney carriage fares, addressed below.

20.2 All powers currently delegated to officers regarding the acquisition and disposal of properties (other than housing and where there is a legal right to acquire the land) will be transferred to the Strategic Director: Resources. There will also be changes to transfer the function of setting hackney carriage and private hire fares from Officers back to the Licensing Committee.

20.3 It is likely that the scheme of delegations to officers will need amending to reflect any changes to the senior officer arrangements to reflect the resourcing decisions taken at budget Council. Any proposed changes will be bought to Governance Committee and Council.

20.4 A note summarising the position as it will be when the new constitution is adopted is included at Appendix 5.

## **21. Size and Composition of Committees**

21.1 The proposed size and membership of committees is set out in Article 6 of the constitution. A table showing the proposed size and likely allocation is included in Appendix 6. This also shows the numbers of non Councillor Co-optees.

## **22. Co-optees**

22.1 The Council's constitution is based on representative democracy so that, unless the circumstances require otherwise, all decisions will be taken by a decision making body made up of elected members. A protocol for how co-option would apply is attached as Appendix 7 for guidance.

## **23. Council Procedure Rules**

23.1 The proposed Council Procedure Rules are based on the existing rules. Other than removing anything that refers to the executive and making it committee-fit, the only change is to permit (not require) electronic voting. This leaves open the options as and when members wish to use the facility.

## **24. Officer Employment Procedure Rules**

24.1 The recruitment procedure expands the remit of the Member appointments panel to include looking at remuneration for senior officers and the statement of pay policy. It will not have decision-making powers, but the recommendations of the panel tend to be accepted and implemented.

## **25. Petitions Scheme**

25.1 As the petitions scheme is an important factor in the Council's public participation arrangements, it has been decided to include it in the Constitution for completeness. No changes are proposed to the rules except to make them committee-fit.

## **26. Other parts of the Constitution**

26.1 The full contents of the Constitution are set out on the first page of Appendix 1. The documents in bold are included in the draft before Governance Committee and Council. The other documents are those where no substantive changes have been made and any amendments involve simply making them committee fit. These parts of the constitution have therefore not been included with these papers to avoid unnecessary and avoidable printing of paper.

26.2 A full copy of the draft Constitution is available on the Wave and a copy will be left in each of the members' rooms.

## **27. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 27.1 The decision to move to a committee system of governance was made by a meeting of full council in December 2011. The design principles, working assumptions, draft structure and draft constitution documents have all been considered by the New Constitution Working Group and the Leaders Group.
- 27.2 The constitution and a summary document will be available to the public both at Council offices and on the Council's website.

## **28. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 28.1 The legal resources to support the change to the committee system can be contained within existing budgets. The ongoing costs of support to the new committee system has been included within the 2012/13 budget. There will be additional costs from printing and officer time, estimated at £45k, but the service will work to reduce these, for example, by exploring more effective use of technology and realignment of officer resources.

*Finance Officer Consulted: Anne Silley*

*Date: 08/03/12*

### Legal Implications:

- 28.2 These are addressed in the body of the report.

*Lawyer Consulted: Elizabeth Culbert*

*Date: 06/03/12*

### Equalities Implications:

- 28.3 There is no adverse impact of the move to the new system that has been identified in relation to individuals with protected characteristics. An Equality Impact Assessment has been undertaken to consider any potential adverse impact and mitigating steps.

### Sustainability Implications:

- 28.4 There will be a need to increase the number of agendas and documents that are printed under the new system, in order to ensure that all Members of Committees receive the papers on which they will be making decisions. IT solutions which may be able to alleviate this impact are being actively pursued.

### Crime & Disorder Implications:

- 28.5 The new Police and Crime Panel will be the new body responsible for holding the Police Commissioner to account. The Overview and Scrutiny Committee will be the body that is designated as the Council's Crime and Disorder Committee for the purpose of the Crime and Disorder Act 2006. There are no adverse implications arising from the proposals in this report.

#### Risk and Opportunity Management Implications:

- 28.6 The change to a committee system will introduce a system of decision making that will be new to many Members and officers in the Council. Training and information giving sessions are planned for the range of affected groups to ensure that the transition is smooth.
- 28.7 The change to a committee system will also need to be carefully communicated to the public and the Council's partners to ensure that there is an awareness of the meetings that will take place and their functions. Also it will be important to reiterate that all the existing mechanisms for accessing council decision making will be in place.

#### Public Health Implications:

- 28.8 The new constitution reflects the establishment of the shadow Health and Wellbeing Board which will consider the priorities and key strategies for public health in the City.

#### Corporate / Citywide Implications:

- 28.9 Whilst adopting a new system of governance is a significant change, the proposals will continue to enshrine open and accountable decision making, with a broad range of opportunities for the public and partners to participate.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Key documents from the proposed new constitution
2. Design Principles document
3. Working Assumptions document
4. Proposed committee structure chart
5. Note regarding officer delegations
6. Table showing proposed size and allocation of Committees
7. Protocol in relation to co-optees.

### **Documents in Members' Rooms**

1. Brighton & Hove City Council Constitution – May 2012

### **Background Documents**

1. None

## **Index to Brighton & Hove City Council Constitution**

**Note: Items shown in bold (which represent parts of the constitution where substantial amendments have been made) are included in the attached papers**

Items in simple text (which represent parts of the constitution where little or no substantial changes have been made) are available on the Council's website and in Members' rooms.

### Part 1 – Summary and Explanation

### **Part 2 - Articles of the Constitution**

**Art 1 – The Constitution**

**Art 2 – Members of the Council**

**Art 3 – Citizens and the Council**

**Art 4 – The Mayor**

**Art 5 – The Full Council**

**Art 6 – Committees and Sub-committees**

**Art 7 – Overview and Scrutiny Committees**

**Art 8 – The Audit and Standards Committee**

**Art 9 – Joint Arrangements**

**Art 10 – Officers**

**Art 11 – Decision Making**

**Art 12 – Finance, Contracts and Legal Matters**

**Art 13 – Review, Interpretations etc**

**Art 14 - Role and power of Chairs**

**Art 15 - Role and Powers of Leader**

### **Part 3 – Council**

**Council Functions**

**Council Procedure Rules**

### **Part 4 – Scheme of Delegation to Committees and Sub Committees**

### **Part 5 – Overview and Scrutiny**

**Overview and Scrutiny Procedure Rules**

### Part 6 - Scheme of Delegation to Officers

Introduction

General delegations

Specific delegations

Referred functions

List of Statutory Officers

### Part 7 – Rules of Procedure

**Access to Information Procedure Rules**

**Budget and Policy Framework Procedure Rules**

Financial Regulations  
Standard Financial Procedures  
Contract Standing Orders  
**Officer Employment Procedure Rules**

Part 8 – Codes and Protocols

Code of Conduct for Members  
Practice Note Use of Council Facilities  
Register of Members Interests  
Guidance when appointed to Outside Bodies  
Protocol for Members re Planning Applications  
Protocol for Public Representations at Planning Committee  
Code of Conduct Member/Officer relations  
Code of Conduct for Employees  
Protocol for Public Questions at Committee and Sub-committee  
**Petitions Scheme**  
Code of Corporate Governance

Part 9 – Members Allowances



## **PART 2 ARTICLES OF THE CONSTITUTION**

### **ARTICLE 1 – THE CONSTITUTION**

#### **1.01 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this constitution.

#### **1.02 The Constitution**

This constitution, and all its appendices, is the constitution of Brighton & Hove City Council.

#### **1.03 Purpose of the Constitution**

The purpose of the constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help Councillors represent their wards and local residents effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) provide a powerful and effective means of holding decision-makers to public account;
- (f) ensure that those responsible for decision making are clearly identifiable to local people and that the Council explains the reasons for decisions;
- (g) ensure that no one will review or scrutinise a decision in which they were directly involved; and
- (h) provide a means of improving the delivery of services to the community.

#### **1.04 Interpretation and Review of the Constitution**

Where the constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the constitution as set out in Article 13 – Review, Revision, Suspension, Interpretation and Publication of the Constitution.

## ARTICLE 2 – MEMBERS OF THE COUNCIL

### 2.01 Composition and eligibility

- (a) **Composition.** The Council comprises of 54 Members (otherwise called Councillors). There are 21 electoral wards and 2 or 3 Members are elected by the voters of each ward. One of the Councillors is elected annually as the Mayor by the elected Members to chair the Council meetings and attend to ceremonial duties.
- (b) **Eligibility.** Only registered voters of the City or those living or working there will be eligible to hold the office of Councillor.

### 2.02 Election and terms of Councillors

**Election and terms.** The regular election of Councillors will be held on the first Thursday in May every four years. The next local elections will take place in May 2015. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### 2.03 Roles and functions of all Councillors

- (a) **Key roles.** All Councillors will:
- (i) maintain the highest standards of conduct and ethics;
  - (ii) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - (iii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocates of and for their communities;
  - (iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - (v) balance different interests identified within the ward and represent the ward as a whole;
  - (vi) be involved in decision-making and scrutinising decisions made by others under the scrutiny arrangements;
  - (vii) be available to represent the Council on other bodies; and
  - (viii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making.

**(b) Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their role as Councillors and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 7 of this constitution.

**2.05 Conduct**

Councillors will at all times observe the Members’ Code of Conduct and the Code of Conduct for Member/Officer Relations set out in Part 8 of this constitution.

**2.06 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 9 of this constitution.

## ARTICLE 3 – CITIZENS AND THE COUNCIL

### 3.01 Citizens' rights

Citizens have the rights set out below. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 7 of this constitution:

- (a) **Voting.** Citizens on the electoral roll for the area have the right to vote in any European, national or local elections.
- (b) **Information.** Citizens have the right to:
  - (i) attend meetings of the Council, its Committees and Sub-committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) find out from the Committee Work Programme what key decisions will be taken by Members or Officers and when;
  - (iii) see non-confidential reports and background papers, and a record of decisions made by the Council, its Committees and Sub-committees;
  - (iv) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to participate in the Council's question time and contribute to investigations by Overview and Scrutiny Panels subject to compliance with the relevant procedures.
- (d) **Complaints.** Citizens have the right to complain to:
  - (i) the Council itself under its complaints scheme;
  - (ii) the Ombudsman after using the Council's own complaints scheme;
  - (iii) the Monitoring Officer about a breach of the Local Code of Conduct for Members.

### 3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm property owned by the Council, Councillors or officers. They should also comply with the law (including byelaws) and the Council's procedures in dealing with the Council.

## **ARTICLE 4 – THE MAYOR**

### **4.01 Role and function of the Mayor**

The Mayor will be elected by Council annually. The Mayor and in his/her absence, the Deputy Mayor, will have the following roles, functions and responsibilities:

#### **(a) Chairing the Council Meeting**

- (i) to uphold and promote the purposes of the constitution, and to interpret the constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and (subject to the arrangements for scrutiny discussed in Article 7) a place at which Members are able to ask questions of the Leader and the Chairs of Committees and Sub-Committees;
- (iv) to promote public involvement in the Council's activities.

#### **(b) Civic and Ceremonial Role**

The Mayor shall be the first citizen of the City of Brighton & Hove and shall have the following civic responsibilities:

- (i) to attend such civic and ceremonial functions as the Council and the Mayor may determine generally or in appropriate cases.
- (ii) to promote the Council as a whole and act as a focal point for the community.

## **ARTICLE 5 – THE FULL COUNCIL**

5.01 The full Council is made up of the 54 elected Members of the Council.

5.02 The responsibilities of full Council include:

- Approving all key plans and strategies collectively known as the Policy Framework
- Approving the budget
- Adopting the constitution
- Appointments to Outside Bodies
- Adopting a Members Allowances scheme
- Adopting a Local Code of Conduct for Members

5.03 The full details of the functions and procedures of the Council are set out in Part 3 of the constitution.

## ARTICLE 6 – COMMITTEES AND SUB-COMMITTEES

### 6.01 Introduction

The implementation of the Council's budget and policy framework, and the discharge of its regulatory functions, is undertaken by a number of Committees and Sub-Committees with powers delegated from the full Council. The Council has also devolved powers to Partnership Boards with health bodies, under the National Health Service Act 2006, the Children Act 2004 the Health and Social Care Act 2012.

The Council will appoint or make appointments to the Committees, Sub-Committees, Joint Committees and Partnership Boards as set out in the left hand column of the tables below. An indication of the functions of each Committee/Sub-Committee/Joint Committee/Partnership Board is shown in column 3 of the table. The terms of reference and powers delegated to each Committee, Sub-Committee, Joint Committee and Partnership Board are more particularly set out in Part 4 of the constitution.

### 6.02 Policy and Regulatory Committees

Committee/Sub-Committee	Membership	Functions
Housing Committee	10 Members of the authority	This Committee has overall responsibility for the Council's housing functions including: Council housing; private sector housing; strategic housing including the housing investment program; homelessness and allocations; tenancy relations; housing loans and grants and has responsibility for housing related support services.
Housing Management Consultative Sub-Committee	8 Members of the authority plus 13 non-voting co-optees.	This Sub-Committee of the Housing Committee advises the Council in the discharge of its functions as a housing landlord, including residential leases granted by the Council. The Sub-Committee includes non-voting tenant and leaseholder representatives
Adult Care & Health Committee (See also Joint Commissioning Board at 6.03 below)	10 Members of the authority	This Committee is responsible for adult social services and, overseen by the Joint Commissioning Board, the joint delivery of a number of adult social care and health services with the health service. The Committee is also responsible for the exercise of the Council's functions in respect of public health relating to adults which transfer to the Council under the Health and Social Care Act 2012.
Children and Young People	10 Members of the authority and	This Committee is responsible for education, social care services and

Committee	up to 11 non voting co-optees	health services to children and young people and exercises the functions of the Council as Local Education Authority. The Committee is also responsible for the exercise of the Council's functions in respect of public health relating to children which transfer to the Council under the Health and Social Care Act 2012. The Committee is also the Council's Children and Young Peoples Trust Board for the purposes of the Children Act 2004
Environment & Sustainability Committee	10 Members of the authority	This Committee is responsible for sustainability, parks and green spaces, Gypsies, Roma, and Travellers, waste, coast protection and flood defence, the seafront, environmental health, trading standards and the bereavement and coroner's services.
Transport Committee	10 Members of the authority	This Committee is responsible for highways management, traffic management and transport, parking, and related public space.
Economic Development and Culture	10 Members of the authority	This Committee discharges the Council's functions in relation to culture, arts and heritage; tourism and marketing; libraries and museums; events; leisure, sports and recreation; planning policy; economic growth and regeneration; major built environment projects; conservation and design; building control; and as local planning authority (except for the development control functions delegated to the Planning Committee).
Planning Committee	12 Members of the authority and 2 non voting co-optees (Conservation Advisory Group and Federation of Disabled People).	This Committee exercises the Council's functions in relation to development control matters.
Policy and Resources Committee	10 Members of the authority	This Committee has overall responsibility for the financial and other resources of the authority, for developing the authority's strategy and policy based on national government and local priorities and for the development of partnership working. It also has responsibility for many of the services delivered to residents and



		customers, including electoral and ceremonial matters, legal services, complaints services, equalities and community safety, revenues and benefits, registration, and local land charges.
Personnel Appeals Panel	3 Members of the authority	This Panel, which has the status of a Sub-Committee of Policy and Resources Committee, deals with appeals against dismissals, grading and other grievances in accordance with agreed human resources procedures.
Corporate Parenting Sub Committee	5 Members of the authority and up to four non voting co-optees	This Sub-Committee of Policy and Resources is responsible for the development, implementation and monitoring of the Council's Corporate Parenting Strategy and provides challenge to ensure that the Council's duty as Corporate Parent is discharged effectively and consistently.
Licensing Committee	15 Members	This Committee discharges the Council's functions under the Licensing Act 2003. The Licensing Committee also has responsibility for all licensing and registration functions not covered by the Licensing Act 2003. The day to day decisions on individual applications are dealt with by the Licensing Panel. The approval of the Statement of Licensing Policy is reserved to the full council. N.B. The Licensing Committee may operate as two separate committees with identical membership. The functions of the two separate committees relate to Licensing Act and non-Licensing Act functions respectively.
Licensing Panel	3 Members of the authority	The Licensing Panel is a Sub-Committee of the Licensing Committee. It hears applications under the Licensing Act 2003 where the matter is authorised or required to be dealt with by a Committee. The Panel also deals with appeals against licensing and registration decisions and cases where officers do not have the power to make determinations. It also has general powers to hear and determine matters, which include serving as the appellate Committee where there is a right of appeal from a decision of an officer and no other arrangements have been made

		under the constitution. The Sub-Committee may operate as two separate committees with identical membership. The functions of the two separate sub-committees relate to Licensing Act and non-Licensing Act functions respectively.
Audit & Standards Committee	8 Members of the Council plus <i>[until 30 June 2012, 3 independent Members who are not members of the Council and 2 Rottingdean Parish Council Members, and thereafter] 2 independent advisers</i>	The Audit and Standards Committee deals with (a) financial governance and stewardship, risk management and audit and (b) issues of conduct among Members which includes dealing with complaints against Members, granting dispensations regarding Members' interests and promoting high ethical standards generally.
Standards Panel	Members drawn from the Audit and Standards Committee	The Panel is a Sub-Committee of the Audit and Standards Committee and its main delegated functions relate to the determination of alleged breaches of the Code of Conduct for Members.

### 6.03 Joint Committees and Partnership Boards

Committee/Sub-Committee	Membership	Functions
Joint Commissioning Board	Two groups, each with one vote, being (a) Council Members and (b) members of the Brighton & Hove Primary Care Trust	In relation to adults, the Board exercises a number of social care and health functions of the Council and Brighton & Hove Primary Care Trust under arrangements made pursuant to section 75 National Health Service Act 2006.
Health and Wellbeing Board	7 Members of the authority plus 7 further voting members determined having regard to the requirements of the Health and Social Care Act 2012	This Board is established as a shadow board in anticipation of the requirements of the Health and Social Care Act 2012. The Health and Wellbeing Board in its shadow form is responsible for advising the Council, the Sussex PCT and the Clinical Commissioning Group on work to improve the health and wellbeing of the population of Brighton & Hove through the development of improved and integrated health and social care services. In particular it will be

		responsible for preparing a Joint Health and Wellbeing Strategy and a Joint Strategic Needs Assessment.
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#### 6.04 Other Committees

Committee/Sub-Committee	Membership	Functions
Overview and Scrutiny Committee	10 Members of the authority	This Committee discharges on behalf of the Council all overview and scrutiny functions, except those delegated to the Health and Wellbeing Overview and Scrutiny Committee. It considers requests for scrutiny reviews and establishes policy review and scrutiny review Panels to undertake task and finish work. It is the Crime and Disorder Committee for the purposes of the Police and Justice Act 2006. It also undertakes scrutiny of flood risk and coastal erosion plans as required by Localism Act 2011.
Health and Wellbeing Overview and Scrutiny Committee	8 Members of the authority plus 3 non voting co-optees and voting education co-optees where these are required by legislation	This Committee discharges on behalf of the Council all overview and scrutiny functions in relation to health, children and young people (including education) and adult social care.
Scrutiny Review Panels and Policy Review Panels	As determined by the Overview and Scrutiny Committee	The Overview and Scrutiny Committee has power to set up Scrutiny or Policy Panels. Each Panel meets until it has produced a report on the subject it was required to examine.
Police and Crime Panel [ <i>to be constituted by November 2012</i> ]	As determined under the relevant legislation (the Council has the right to appoint one Member)	The Police and Crime Panel is a joint committee of all local authorities in East and West Sussex and its function is to scrutinise the elected Police and Crime Commissioner.

## 6.05 Delegations to Officers

Some of the functions of the Committees and Sub-Committees and other bodies listed above may be discharged by an officer under delegated powers. Details of the functions of Committees and Sub-Committees delegated to officers are contained in the Scheme of Delegation to Officers at Part 6 of the constitution and summarised at Article 10.

## 6.06 Urgency Committee/Sub-Committees

- (a) The Council shall establish an Urgency Committee to exercise its powers. The membership of the Urgency Committee shall consist of 7 Members. The Urgency Committee may exercise its powers in relation to matters of urgency on which it is necessary to make a decision before the next ordinary meeting of the Council. Every decision of the Urgency Committee shall be reported for information to the next ordinary meeting of the full Council.
- (b) Each Committee of the Council may appoint an Urgency Sub-Committee to exercise its powers. The Membership of such Urgency Sub-Committee shall consist of the Chair of the Committee, and two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between political groups. Such Urgency Sub-Committees may exercise their powers in relation to matters of urgency on which it is necessary to make a decision before the next ordinary meeting of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next ordinary meeting of the Committee as appropriate.

## 6.07 Establishment of additional advisory bodies

The Council or the Policy and Resources Committee may from time to time establish task groups, consultative forums, commissions, working groups, ad hoc panels or other advisory bodies, the membership of which shall be drawn from Members of the Council and/or non-voting co-optees. The proceedings of any such group shall be reported to the appropriate Committee and should include any recommendations or advice from that group. No Committee or Sub-Committee may delegate its functions to any such group.

Advisory Group/Forum	Membership	Functions
City Sustainability Partnership	4 Members of the authority and co-optees from the business community and voluntary sector and relevant Environment Agencies	To promote the sustainable development of Brighton & Hove, in particular to reduce the City's ecological footprint from the equivalent of three and a half planets per person towards one.
Community Safety	10 Members of the	To enable community consultation

Forum	authority and representatives of relevant communities of interest	and to play a key role in identifying the priorities for the three year community safety and crime reduction strategies and to oversee the implementation of those strategies. To report to council's Policy and Resources Committees.
Area Housing Panels (x4)	All ward councillors within the boundaries of the Panel, plus tenant/resident association representatives	To consider reports relating to the Council's role as landlord, including performance, services, budgets, major repairs programme development and delivery, policy issues and service development, within the boundaries of the Area Panel and to make recommendations to the Housing Management Consultative Sub-Committee.
Joint Staff Consultation Forum	6 Members of the authority plus employee representatives	To provide a mechanism for regular communication and consultation in support of Brighton & Hove Council's approach to working in partnership with its recognised trade unions and professional associations and to maintain a healthy employee relations climate.
Arts and Creative Industries Commission	6 Members of the Council and up to 24 representatives from relevant local sectors	To help the Council support, promote and develop the arts and creative industries in Brighton & Hove.
Independent Remuneration Panel	Between 3 and 5 members who are not Members of the authority	To produce reports to the Council making recommendations in respect of Members' allowances.
Brighton & Hove City Sports Forum	36 representatives appointed by Strategic Director Place and 4 Members of the Council	To take an overview of the delivery of the sports strategy for Brighton & Hove and to advise the Economic Development and Culture Committee.
Conservation Advisory Group	Membership is drawn from representative local groups and societies	This group advises the Council on the implementation of its Conservation Strategy, major planning applications or council proposals affecting the development of policies for the protection of the historic built environment. The Group reports principally to the Planning Committee.

## **ARTICLE 7 – OVERVIEW AND SCRUTINY COMMITTEES**

### **7.01 Introduction**

- (a) Overview and Scrutiny is an important element of the Council's constitution. The Committees and/or Panels which may be established from time to time to carry out Overview and Scrutiny represent powerful public forums through which Councillors can monitor the implementation of the Council's policies and the quality of its services; make recommendations on the discharge of the authority's functions and/or other matters affecting Brighton & Hove and hold the Committees to account for their decisions and actions;
- (b) Overview and Scrutiny is concerned with the overall well being of the City and all factors affecting this including not only Council services but those of other agencies (with a particular statutory role in respect of health services) and other matters. Overview and Scrutiny is an important mechanism for community Councillors to represent their wards and are a focus for stakeholder and community involvement.
- (c) This Article outlines the basic elements of the Overview and Scrutiny function. It should be read in conjunction with the Overview and Scrutiny Procedure Rules, which appear at Part 5 of the constitution and provide a more detailed framework for the operation of Overview and Scrutiny at Brighton & Hove.

### **7.02 Undertaking and co-ordinating Overview and Scrutiny**

- (a) The Council will appoint an Overview and Scrutiny Committee (OSC) to discharge the functions conferred by the Local Government Act 2000 as amended by the Localism Act 2011 in relation to all aspects of the Council's services and/or administration; and all matters affecting the economic, social and environmental well being of the City and/or its inhabitants.
- (b) The OSC will coordinate and manage the Overview and Scrutiny function. It may appoint ad hoc Overview and Scrutiny Review and Policy Review Panels to undertake time-limited investigations or reviews as required. It will be the Council's Crime and Disorder Committee to the extent required by the Police and Justice Act 2006.
- (c) The Health Overview and Scrutiny Committee (HWOSC) will have delegated powers to discharge the overview and scrutiny function in relation to local health services as set out in the National Health Service Act 2006.

### **7.03 The Overview and Scrutiny function**

The membership arrangements and detailed terms of reference of the Overview and Scrutiny Committee and the Health Overview and Scrutiny Committee are set out in the Overview and Scrutiny Rules at Part 5 of this

constitution. Within these terms of reference, Overview and Scrutiny has the following functions:

- (i) to review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) to make reports and/or recommendations to the full Council or any Committee or Sub-Committee of the Council or any Joint Committee on which the Authority is represented or any Sub-Committee of such a Joint Committee in connection with the discharge of any of the Council's functions;
- (iii) to consider any matter affecting the area or its inhabitants and make reports or recommendations to the full Council or any Committee or Sub-Committee of the Council or any Joint Committee on which the Authority is represented or any Sub-Committee of such a Joint Committee in respect of such matters;
- (iv) to exercise the right to call-in, for reconsideration, decisions made by the Committees but not yet implemented;
- (v) to review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas and to make recommendations arising from the outcome of the Scrutiny process;
- (vi) to liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- (vii) to review and scrutinise the performance of other agencies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee/Panel and local people about their activities and performance.

### **7.05 Annual report**

The Overview and Scrutiny Committee will report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

### **7.06 Proceedings of Overview and Scrutiny Committees/Panels**

The Overview and Scrutiny Committee, the HWOSC and their Review Panels and will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules in Part 5 of this constitution.

## **ARTICLE 8 – THE AUDIT AND STANDARDS COMMITTEE**

### **8.01 Audit and Standards Committee**

The Audit and Standards Committee will be the Council's Standards Committee for the purpose of the Local Government Act 2000 and then (*anticipated from 1 July 2012*) the Localism Act 2011.

### **8.02 Role and Composition**

- (a) The Audit and Standards Committee deals with:-
- financial governance and stewardship, risk management and audit and
  - issues of conduct among Members which includes dealing with complaints against Members, granting dispensations regarding Members' interests and promoting high ethical standards generally;
- (b) The full terms of reference of the Audit and Standards Committee are set out in the Scheme of Delegation to Committees and Sub-Committees at Part 4 of the constitution.
- (c) The Audit and Standards Committee consists of X Councillors and two independent persons to advise on standards matters, neither of whom are Councillors or officers of the Council.
- (d) All members of the Audit and Standards Committee are entitled to vote at meetings, but not the independent persons who advise on standards matters.
- (e) The Standards Panel, which has the status of a Sub-Committee of the Audit and Standards Committee, deals with (a) allegations that Members or Co-opted Members have breached the Code of Conduct and (b) the granting of dispensations to Members or Co-opted Members with pecuniary interests.
- (f) *For the period from the adoption of this constitution until the relevant provisions of the Localism Act 2011 come into force (anticipated from 1 July 2012), there will be transitional arrangements. Membership of and voting at the Audit and Standards Committee and the Standards Panel will remain as under the previous constitution, in so far as these matters relate to the 3 independent persons and the 2 representatives of Rottingdean Parish Council who serve as members of the Committee and the Panel.*



## **ARTICLE 9 – JOINT ARRANGEMENTS**

### **9.01 Arrangements to promote well being**

The Council, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body;
- (c) exercise on behalf of that person or body any functions of that person or body.

### **9.02 Joint local government arrangements**

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- (b) Details of any joint arrangements including any delegations to Joint Committees will be found in the Council's Scheme of Delegations in Part 4 of this constitution.

### **9.03 Delegation to and from other local authorities**

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The decision whether or not to accept such a delegation from another local authority shall be reserved to the full Council.

### **9.04 Contracting out**

The Council may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

### **9.05 Joint arrangements with other public bodies**

Under Section 75 National Health Service Act 2006, Section 10 of the Children Act 2004 and the Health and Social Care Act 2012, local authorities, national health bodies and a number of other bodies have powers to delegate the exercise of some of their functions to each other and to co-operate in the exercise of their functions.

## **9.06 Existing Arrangements**

Some of the arrangements the Council has established for the joint exercise of functions or is otherwise involved in include:

- (a) The Joint Commissioning Board, in connection with the delivery of adult social services and health care;
- (b) The Health and Wellbeing Board, in connection with improving the health and well being of the population of Brighton & Hove.

## ARTICLE 10 – OFFICERS

### 10.01 Terminology

The use of the word “officers” means all employees and staff engaged by the Council to carry out its functions.

### 10.02 Management structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council will engage persons for the following posts, who will be designated Chief Officers. Their functions are more particularly set out in part 6 of the constitution:

Post	Main Functions and areas of responsibility
<b>Chief Executive</b>	<ol style="list-style-type: none"><li>1. Head of Paid Service under section 4 of the Local Government and Housing Act 1989</li><li>2. Overall corporate management and operational responsibility (including overall management responsibility for all officers)</li><li>3. Provision of professional advice to all parties in the decision making process</li><li>4. Responsibility for various matters in relation to Members (including taking declarations of acceptance of office and receiving resignations)</li><li>5. Representing the Council on partnership and external bodies (as required by statute or the Council)</li><li>6. Exercising functions delegated to other officers unless the function is required by law or the scheme of delegation to be exercised by another person (e.g. Monitoring Officer and Chief Finance Officer duties)</li><li>7. Acting as the Returning Officer with overall responsibility for conduct of Local and National Elections overall responsibility for conduct of Local and National Elections</li></ol>
<b>Strategic Director of People</b>	<ol style="list-style-type: none"><li>1. Director of Children’s Services under section 18 of the Children Act 2004</li><li>2. Children, Young People and Families</li><li>3. Schools, Skills and Learning</li><li>4. Adult social care and health, including section 75 joint working arrangements, (except where this function is legally required or under a rule of professional practice to be exercised by the Director of Adult Social Services)</li></ol>

<b>Strategic Director of Place</b>	<ol style="list-style-type: none"> <li>1. Environmental awareness</li> <li>2. Planning (including building control, development control, planning strategy and sustainability)</li> <li>3. Waste (including collection, recycling, disposal and cleansing)</li> <li>4. Public safety (including environmental health, licensing and trading standards)</li> <li>5. Parks and green spaces</li> <li>6. Transport (including management of highways, traffic and parking)</li> <li>7. Economic development and regeneration</li> <li>8. Housing</li> </ol>
<b>Strategic Director of Communities</b>	<ol style="list-style-type: none"> <li>1. Arts and creative industries</li> <li>2. Venues (including the Brighton Centre)</li> <li>3. The Royal Pavilion, the libraries and the museums</li> <li>4. Tourism and Leisure</li> <li>5. Communities and Equality</li> <li>6. Seafront</li> <li>7. Community Safety and Drug Action Teams</li> <li>8. Events</li> </ol>
<b>Strategic Director of Resources</b>	<ol style="list-style-type: none"> <li>1. Legal Services (except those delegated to the Head of Legal &amp; Democratic Services as Solicitor to the Council)</li> <li>2. Democratic Services, ie services to Members of the Council</li> <li>3. Overview and Scrutiny</li> <li>4. Policy, Analysis and Performance</li> <li>5. Human Resources and Development</li> <li>6. Property &amp; Design</li> <li>7. Information and Communication Technology</li> <li>8. Corporate Communications</li> </ol>
<b>Director of Finance</b>	<ol style="list-style-type: none"> <li>1. Chief Finance Officer, responsible for the proper administration of the Council's financial affairs under section 151 Local Government Act 1972</li> <li>2. Internal audit and business risk</li> <li>3. Strategic finance</li> <li>4. Procurement</li> </ol>
<b>Director of Adult Services and Social Care</b>	Director of Adult Social Services under section 6(A1) of the Local Authority Social Services Act 1970

- (c) **Other senior officers.** The Council will engage persons for the following posts, whose functions are more particularly set out in part 6 of the Constitution.

<b>Head of Legal &amp; Democratic Services</b>	Monitoring Officer under sections 5 and 5A of the Local Government and Housing Act 1989 and the Local Government Act 2000
<b>Head of Children &amp; Families</b>	<ol style="list-style-type: none"> <li>1. Social Care</li> <li>2. Fostering &amp; Adoption</li> <li>3. Integrated disabilities</li> <li>4. School &amp; Community</li> <li>5. Early Years</li> <li>6. Young People</li> </ol>
<b>Head of Adults – Assessment</b>	<ol style="list-style-type: none"> <li>1. Community assessment</li> <li>2. Hospital assessment</li> <li>3. Learning disabilities – assessment</li> <li>4. Integrated working with Sussex Partnership Trust and Sussex Community NHS Trust</li> </ol>
<b>Head of Adults – Provider</b>	<ol style="list-style-type: none"> <li>1. Older people</li> <li>2. Learning disabilities – provider</li> <li>3. Supported employment</li> </ol>
<b>Head of Planning &amp; Public Protection</b>	<ol style="list-style-type: none"> <li>1. Environmental health &amp; licensing</li> <li>2. Trading Standards</li> <li>3. Planning</li> <li>4. Development control</li> <li>5. Building control</li> <li>6. Drug &amp; Alcohol Action Teams</li> <li>7. Community Safety</li> </ol>
<b>Head of City Services</b>	<ol style="list-style-type: none"> <li>1. Libraries</li> <li>2. Revenues and benefits</li> <li>3. Life events</li> <li>4. Access services</li> <li>5. Schools admissions</li> <li>6. Family information service</li> <li>7. Electoral services</li> </ol>
<b>Head of Tourism &amp; Leisure</b>	<ol style="list-style-type: none"> <li>1. Tourism</li> <li>2. City marketing</li> <li>3. Venues</li> <li>4. Museums</li> <li>5. Royal Pavilion</li> <li>6. Events/Outdoor events</li> <li>7. Seafront</li> <li>8. Sports facilities</li> <li>9. Sports development</li> </ol>
<b>Head of Housing &amp; Social Inclusion</b>	<ol style="list-style-type: none"> <li>1. Housing management</li> <li>2. Social inclusion</li> <li>3. Gypsies, Roma and Travellers</li> </ol>

<b>Head of City Infrastructure</b>	<ol style="list-style-type: none"> <li>1. City Clean</li> <li>2. Parks</li> <li>3. Highway Parking</li> </ol>
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- (d) **Structure.** The Chief Executive will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.
- (e) **Authorisation.** Under the Council's Scheme of Delegation to Officers in part 6 of the constitution the powers delegated to the officers listed above may be exercised by other officers reporting to those officers.

### 10.03 Functions of the Chief Executive

- (a) **Discharge of functions by the Council.** The Chief Executive will report to full Council and/or the Policy and Resources Committee as he/she considers appropriate on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Proper officer for access to information.** The Chief Executive will ensure that there are arrangements in place for decisions, together with the reasons for those decisions and relevant officer reports and background papers to be made publicly available as soon as possible.
- (c) **Restrictions on functions.** The Chief Executive, as the Head of Paid Service, may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### 10.04 Functions of the Monitoring Officer

- (a) **Maintaining the constitution.** The Monitoring Officer will maintain an up-to- date version of the constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Audit and Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Standards Committee.

- (d) **Code of Conduct for Members.** The Monitoring Officer will ensure that all allegations of breaches of the Code of Conduct for Members are dealt with under the approved procedures.
- (e) **Conducting investigations.** When necessary, the Monitoring Officer will conduct investigations into allegations of breaches of the Code of Conduct for Members and issue reports to the Standards Panel to assist the Panel in determining whether or not the Code has been breached.
- (f) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors.
- (g) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer.

#### **10.05 Functions of the Chief Finance Officer**

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take financial decisions, maladministration, financial impropriety, probity to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will be responsible for providing financial information to the media, members of the public and the community where appropriate.

#### **10.06 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

### **10.07 Conduct**

Officers will comply with the Code of Conduct for Employees and the Code of Conduct for Member/Officer Relations set out in Part 8 of the constitution.

### **10.08 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 8 of the constitution.



## **ARTICLE 11 – DECISION MAKING**

### **11.01 Responsibility for decision making**

The Council will issue and keep up to date a record of which part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Parts 4 and 6 of this constitution (Scheme of Delegations to Committee and Sub-Committees and Scheme of Delegation to Officers).

### **11.02 Principles of decision making**

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights (the authority will give particular consideration to the implications for human rights of any proposals at an early stage in the decision making process);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes.

### **11.03 Types of decision**

- (a) **Decisions reserved to full council** relating to the functions listed in part 3 of the constitution will be made by the full Council and not delegated.
- (b) **Key decisions**

These are decisions which are likely to:-

- result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates, namely above £500k per annum;
- or**
- be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

**(c) Forum for key decisions**

Key decisions can be made at Policy and Resources, by Committees and Sub Committees in accordance with the Scheme of Delegation to Committees and Sub Committees or by officers in accordance with the Scheme of Delegations to Officers.

**11.04 Decision making by the full Council**

Subject to Article 5, the Council meeting will follow the Council Procedure Rules set out in Part 3 of this constitution when considering any matter.

**11.05 Decision making by Overview and Scrutiny Committees**

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 5 of this constitution when considering any matter.

**11.06 Decision making by other Committees and Sub-Committees established by the Council**

Subject to Article 11.07, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Part 3 of this constitution as apply to them.

**11.07 Decision making by Council bodies acting as tribunals or in partnership with other bodies**

The Council, a Committee/Sub-Committee or an officer

- (a) acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights
- (b) acting or meeting with any other body pursuant to any arrangements under section 75 of the National Health Service Act 2006, section 10 the Children Act 2004, the Health and Social Care Act 2012 or any other partnership arrangements will follow any proper procedures which have been agreed with that body for those arrangements.

## **ARTICLE 12 – FINANCE, CONTRACTS AND LEGAL MATTERS**

### **12.01 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 7 of this constitution.

### **12.02 Contracts**

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 7 of this constitution.

### **12.03 Legal proceedings**

The Head of Law is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Law considers that such action is necessary to protect the Council's interests.

### **12.04 Seal of the Council**

- (a) The common seal of the Council shall be kept in a safe place in the custody of the Head of Law.
- (b) The common seal of the Council shall be affixed to a document only on the authority of:
  - (i) a resolution of the Council;
  - (ii) a resolution of a Committee or Sub-Committee which the Council has empowered to authorise the use of the seal;
  - (iii) a decision by the Council, or by a Committee, Sub-Committee or officer exercising delegated functions, to do anything where a document under the common seal is necessary or desirable as part of the action.
- (c) The affixing of the common seal shall be attested by the Monitoring Officer, the Head of Law, the Deputy Head of Law, a Principal Solicitor, Managing Principal Solicitor or the Senior Lawyer (Property) of the Council, or another solicitor authorised by the Head of Law. An entry of every sealing of a document shall be made, and numbered consecutively, in a book kept for the purpose, and shall be signed by the person who shall have attested the seal.

### **12.05 Authentication of documents**

Without prejudice to the powers delegated to the Monitoring Officer and the Head of Law under the Scheme of Delegation to Officers, where any document is necessary to any legal procedure or proceedings on behalf of the Council, it may be signed by the Monitoring Officer, the Head of Law, a Principal Solicitor, Senior Lawyer (Property) or other person authorised by the Monitoring Officer.

## ARTICLE 13 - REVIEW AND REVISION, SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

### 13.01 Duty to monitor and review the constitution

The Policy and Resources Committee will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect. The Chief Executive and the Monitoring Officer will report to the Committee from time to time on the operation of the constitution.

### 13.02 Protocol for monitoring and review of the constitution

A key role for the Chief Executive and the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the officers may:

- (a) observe meetings of different parts of the Member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with them by Members, officers, the public and/or other relevant stakeholders;
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

### 13.03 Changes to the constitution

- (a) **Approval.** Subject to (b) and (c) below changes to the constitution will only be approved by the full Council after consideration of the proposal by the Policy and Resources Committee, the Audit and Standards Committee, the Chief Executive, or the Monitoring Officer.
- (b) The changes described in the left-hand column of the table below may be made by the person or body mentioned in the right-hand column of the table.

(i)	The establishment, abolition or changes to terms of reference, of any Sub-Committee, Advisory Body, or Joint Committee	Policy and Resources Committee
(ii)	Delegation of functions of a Committee to an existing Sub-Committee	Policy and Resources Committee or the relevant Committee
(iii)	Changes to the Scheme of Delegation to Officers	Policy and Resources Committee

(iv)	Delegation of powers from a Committee or Sub-Committee to an officer	The relevant Committee or Sub-Committee
(v)	Access to Information Procedure Rules	Head of Law
(vi)	Financial Regulations and Standard Financial Procedures	Chief Finance Officer
(vii)	Officer Employment Procedure Rules	Strategic Director Resources
(viii)	Protocol for Public Representations at Planning Committee	Planning Committee
(ix)	Forms for declaration of interests and for declaration of gifts and hospitality under the Code of Conduct for Employees	Strategic Director of Resources
(x)	Protocol for Public Questions at Committees and Sub-committees	Head of Law
(xi)	Code of Corporate Governance	Audit and Standards Committee

- (c) The Monitoring Officer may make consequential amendments to the constitution to give effect to a decision of full Council or other body authorised to change the constitution under this Article. Paragraph 11 of the introduction to the Scheme of Delegation to Officers also provides authority for the Monitoring Officer to make consequential changes to the constitution.

### **13.04 Suspension of the constitution**

The Articles of this constitution may not be suspended. The Council Procedure Rules may be suspended in accordance with paragraph 1.7 of those Rules.

### **13.05 Interpretation**

The ruling of the Mayor as to the construction or application of this constitution or as to any proceedings of the Council shall not be challenged at any meeting of the full Council. Such interpretation will have regard to the purposes of this constitution contained in Article 1.

### **13.06 Publication**

- (a) The Head of Democratic Services will give a printed copy of this constitution to each Member of the Authority upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Strategic Director of Resources will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer and the Strategic Director of Communities will ensure that the summary of the constitution is made widely available within the area and is updated as necessary.

## **ARTICLE 14 – ROLE AND POWERS OF COMMITTEE AND SUB-COMMITTEE CHAIRS**

### **14.01 Appointment and general Role**

- (a) The Council's Procedure Rules (20) permit it to appoint, from amongst its voting Members, Chairs of Committees and Sub-Committees. Chairs are normally appointed annually, at the Council's annual general meeting in May. If the Council does not appoint a Chair in any particular case, the Chair is elected by the Committee or Sub-Committee. The Procedure Rules (20.5) bar any Member of the Council from being Chair of more than one Committee without the permission of the Council.
- (b) Usually the annual appointments made by the Council include one or more Deputy Chairs for each Committee and Sub-Committee. Deputies are generally able to exercise the powers vested in their Chairs if the Chairs are unavailable.
- (c) As further explained in paragraphs 14.03 and 14.04 below, the role of Chair has some aspects which are formally recognised by law and relate to the conduct of meetings. Also the Chair is usually, in practice, a lead Member in a particular area of the Council's work. Paragraph 14.02 outlines the way Chairs are expected to fulfil their roles.

### **14.02 Fulfilling the Role of Chair**

The Council expects that its Chairs will:-

- have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee or Sub-Committee which they chair;
- lead in the development of the work of the Committee or Sub-Committee which they chair, also taking into account the wider vision, such as corporate, cross-service and partnership issues;
- lead in service delivery and the implementation of policies approved by the Council where these relate to the Committee or Sub-Committee which they chair;
- be the spokesperson for the Committee or Sub-Committee which they chair;
- meet regularly to progress the Committee's or Sub-Committee's objectives with Deputy Chairs, Opposition Spokespersons, officers, and as appropriate other people, groups and organisations;
- represent and pursue the interests of the Committee or Sub-Committee which they chair in the community and if appropriate at regional and wider levels;
- in accordance with Council's Constitution and the provisions summarised at paragraphs 14.03 and 14.04 below, ensure that:
  - (1) the meetings of the Committee or Sub-Committee which they chair are properly conducted and
  - (2) reports of proceedings are forwarded on as necessary, for example to full Council;

- support the performance of the Council’s overview and scrutiny functions and participate in overview and scrutiny reviews as appropriate;
- maintain professional working relationships and establish mutual respect with all Members and officers;
- be a promoter and upholder of
  - (1) equalities throughout the City - particularly the Council’s equalities policies;
  - (2) high standards of ethical conduct by the Council’s Members and officers – particularly the Council’s Code of Conduct for Members.

### **14.03 Legal powers and Duties**

- (a) The responsibility of a Chair for the proper conduct of meetings is formally recognised in law. There are provisions in the Local Government Act 1972 which apply to the holding and chairing of meetings, but much of the detail is supplied in the Council’s Procedure Rules, which are standing orders made under powers in the 1972 Act. For any eventuality not covered in the legislation or the Procedure Rules, it may be possible to turn to the body of common law which the Courts have developed in relation to meetings.
- (b) The following are specific functions which a Chair has under the Local Government Act 1972:-
  - a power to exercise a second (casting) vote in the event of an equality of votes on any matter;
  - a duty to sign the minutes of the previous meeting;
  - a power to agree the addition of a late item of business to the agenda, if the Chair is of the opinion that it should be considered at the meeting as a matter of urgency.
- (c) To help the Committee or Sub-Committee which they chair make effective decisions, Chairs will not only ensure that the procedural rules applying to their Committee or Sub-Committee are observed, but also that any decisions made are sound at law. With assistance from officers as necessary, Chairs will ensure that the Committee or Sub-Committee (1) observes any particular legal duties relevant to a proposed decision and (2) has regard as necessary to any general duties such as:-
  - best value;
  - compliance with the Human Rights Act 1998;
  - equalities;
  - the general fiduciary duties to its Council Taxpayers to act with financial prudence.
- (d) Finally, the Chair will ensure that the Committee or Sub-Committee reaches its decisions rationally, taking into account relevant factors and disregarding those which are irrelevant.



#### **14.04 Powers and Duties under the Council's Constitution**

Under the Council's constitution, the role and powers of Chairs are recognised in a number of ways, including the following:-

- (a) Appointment as Chair:- Under the Council's Procedure Rules (20.1) Chairs will normally be appointed at the Council's annual general meeting.
- (b) Settling the Agenda:- Under the Council's Procedure Rules (23.2 and 23.6) Chairs have power to direct that items of business be placed on the agenda of their Committee or Sub-Committee and the order in which business is arranged on the agenda.
- (c) Conducting the meeting:- Under the Procedure Rules (in particular 27) the Chair controls the proper conduct of meetings of his or her Committee or Sub-Committee. The Chair has discretion to depart from the formality of the Rules of Debate applicable to full Council meetings and such discretion is regularly exercised.
- (d) Involvement at Urgency and other Sub-Committees:- The Council's Procedure Rules (22) make Chairs ex-officio members of any Urgency Sub-Committee of the Committee they chair and permit them to attend and speak at any meeting of a Sub-Committee appointed by their Committee.
- (e) Reserve Power to call special Meetings:- The Council's Procedure Rules (19.2) permit a Chair to call a special meeting of his or her Committee or Sub-Committee at any time.
- (f) Reporting to full Council:- It usually falls to Chairs to present any reports which need approval of full Council, under the Council's Procedure Rules (24.2).
- (g) Duty to be available for Questions:- The Council's Procedure Rules (9.2) permit any Member of the Council to give written notice and ask questions of any Chair at full Council meetings. Also a Chair (9.17) can be questioned about any report which he or she is putting before the Council.
- (h) Right to be consulted:- Under the Council's Scheme of Delegations to Officers, a number of delegated powers can only be exercised by officers after consultation with the relevant Chair.
- (i) Special Responsibility Allowance:- In recognition of the role played by Chairs, Schedule 1 of the Council's Members Allowances Scheme allocates differing levels of special responsibility allowance payment to Chairs, the levels of payment being based on the levels responsibility.

## **ARTICLE 15 – ROLE AND POWERS OF THE LEADER OF THE COUNCIL**

### **15.01 Appointment and general Role**

- (a) The Council's Procedure Rules (18.10) permit Council to appoint, from among its voting Members, a Leader of the Council (referred to in this Article as the "Leader"). The Leader is normally appointed annually, at the Council's annual general meeting in May. If the Council does not appoint a Leader, the Leader of the largest political group becomes the Leader.
- (b) Usually the annual appointments made by the Council include one or more Deputy Leaders who are generally able to exercise the powers vested in the Leader if he or she is unavailable.
- (c) As further explained in paragraphs 15.03 and 15.04 below, the role of the Leader is not a formal legal role, but he or she is in practice the executive head of the Council, and the Member with greatest responsibility for driving forward the broad policies of the Council. Paragraph 15.02 outlines the way the Leader is expected to fulfil his or her role.

### **15.02 Fulfilling the Role of Leader**

The Council expects that the Leader will:-

- be the political (rather than ceremonial) leader of the Council, for the benefit of all the City's communities - its citizens, taxpayers, businesses, public bodies and other public authorities;
- lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees, in the development of the Council's vision for the future, policy framework, budgets and strategies;
- lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees, in service delivery and the implementation of policies approved by the Council;
- represent and pursue the interests of the Council in the community and at international, national and regional levels;
- act as Chair of the Policy and Resources Committee, fulfil the role of Leader at full Council meetings and carry out as necessary the other functions mentioned at paragraph 15.04 below;
- lead in providing policy direction and guidance to the Chief Executive and Chief Officers;
- meet regularly to progress the Council's objectives with Committee Chairs, the Chief Executive and Chief Officers, Leaders of other political groups on the Council, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament etc;
- support the performance of the Council's overview and scrutiny functions and participate in overview and scrutiny reviews as appropriate;
- maintain professional working relationships and establish mutual respect with all Members and officers;

- be a promoter and upholder of
  - (1) equalities throughout the City - particularly the Council's equalities policies;
  - (2) high standards of ethical conduct by the Council's Members' and officers – particularly the Council's Code of Conduct for Members.

### **15.03 Legal Powers and Duties**

As the Council operates a Committee System, the Leader has no formal legal powers and duties vested in him or her under the Local Government Act 1972 or the Local Government Act 2000.

However, in practice, all local authorities need to appoint Leaders and each Leader will hold the most significant elected Member role within his or her authority. As described in paragraph 15.02 above, the Council's Leader will be the Council's political/elected head, the focus for policy direction and community development, and also the chief advocate and ambassador for the whole of the City.

### **15.04 Powers and Duties etc under the Council's Constitution**

Under the Council's constitution, the Leader is recognised in the following ways:-

- Chairing Policy and Resources Committee:- The Leader will normally be appointed at the Council's annual general meeting as Chair of the Council's most senior committee, the Policy and Resources Committee. (If the Council did not appoint the Chair, it would fall to the Committee to make an appointment and it would be expected that the Leader would be appointed.) This Committee is responsible for the Council's broad policies and its finances.
- Power to attend and speak:- The Council's Procedure Rules (18.10) permit the Leader to attend and speak at any meeting of a Committee or Sub-Committee of the Council, but he or she can only vote if appointed as a voting member of the committee or Sub-Committee.
- Reserve Power to call extraordinary Council Meetings:- The Council's Procedure Rules (4.3) permit the Leader, if neither the Mayor nor the Deputy Mayor is available, to call extraordinary meetings of the full Council.
- Duty to be available for Questions:- The Council's Procedure Rules (10.2) permit any Member of the Council to give written notice and ask questions of the Leader at full Council meetings.
- Involvement in Major Emergencies:- The Leader must be informed if an emergency is likely to be or has been declared under the Council's emergency planning or business continuity procedures. Also, officers must consult the Leader before they take any emergency action which would otherwise need committee authority.

- Special Responsibility Allowance:- In recognition of the role played by the Leader, Schedule 1 of the Council's Members Allowances Scheme allocates the highest special responsibility allowance payment to the joint role of Leader and Chair of Policy and Resources Committee.

## **PART 3 – COUNCIL**

### **PART 3.1 COUNCIL FUNCTIONS**

Council is the supreme decision making body and may with some exceptions exercise any of the functions vested in Brighton & Hove City Council by law. It may also delegate many of those functions to a Committee, a Sub-Committee or an officer. In this scheme of delegation the term “full council” is used to refer to the Council exercising functions itself as opposed to acting through Committees, Sub-Committees or officers.

#### **3.01 Functions of the full Council**

The following functions may only be exercised by the Full Council:

- (a) **Constitution**
  - (i) Adopting the constitution.
  - (ii) Amending the constitution, save that Article 13 of the constitution may provide for certain sections of the constitution to be amended by a Committee, a Sub-Committee or an officer.
  
- (b) **Policy and Budget**

Approving or adopting the Policy Framework\*, the Budget\* and any application to the Secretary of State in respect of any Housing Land Transfer\* providing that the Council may, at the time of adopting the policy framework, the budget etc., authorise a Committee, Sub-Committee, or an officer to amend, modify or vary (but not revoke) the same to the extent that this is permitted under the relevant regulations.  
(\*see 'Meanings' below)
  
- (c) **Terms of Reference of Committees**

Agreeing and/or amending the terms of reference of Committees discharging Council functions and deciding on their composition. Where the allocation of seats on a Committee or Sub-Committee has been agreed by the Council, the Chief Executive shall have delegated authority to appoint individual members to the Committee or Sub-Committee in accordance with the wishes of the relevant political group(s).
  
- (d) **Appointments to Outside Bodies**

Appointing representatives to outside bodies unless the appointment has been delegated to a Committee, Sub-Committee or an officer.
  
- (e) **Members' Allowances**

Adopting and amending from time to time the scheme for Members' Allowances and determining the amount of any allowance payable to the Mayor and Deputy Mayor.

- (f) **Code of Conduct**  
Adopting a Local Code of Conduct in order to maintain high ethical standards in accordance with the requirements of the Localism Act 2011.
- (g) **Titles**  
Changing the name of the area, conferring the title of Honorary Alderman, Honorary Recorder or Freedom of the City.
- (h) **Appointment of Chief Executive**  
Confirming the appointment of the Chief Executive, who shall be the Head of Paid Service.
- (i) **Byelaws and Local Legislation**  
Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills.
- (j) **Electoral**  
Any of the following matters:- making a request to the local Government Boundary Commission for England for single-member electoral areas; passing a resolution to change the scheme for local elections; or making an order to give effect to recommendations in a community governance (parish) review.
- (k) **Voting Scheme for Overview and Scrutiny Co-optees**  
Making a scheme to permit co-opted members of Overview and Scrutiny Committees to vote at committee meetings.
- (l) **General**  
All other matters which by law must be reserved to Full Council.

### 3.02 Meanings

(a) **Policy Framework.**

The policy framework means the following plans and strategies:-

- (i) **those required by law to be adopted by Full Council**
- Annual Investment Strategy;
  - Statement of Pay Policy;
  - Libraries Plan;
  - Sustainable Community Strategy;
  - Crime and Disorder Reduction Strategy;
  - Local Transport Plan;
  - Plans with Development Plan Document status ;
  - Youth Justice Plan;
  - Statement of Licensing Policy under the Licensing Act 2003;
  - Statement of Gambling Policy under the Gambling Act 2005.

(ii) **those which the Council has determined should be adopted by Full Council as part of the Policy Framework:**

- Official Feed and Food Controls Service Plan;
- City Employment and Skills Plan;
- Sustainability Strategy (*or the successor to this strategy*);
- Corporate Plan;
- Health and Safety Annual Service Plan;
- Equality and Inclusion Policy;
- City Performance Plan
- Strategy for Gypsies, Roma and Travellers
- Housing Strategy
- Housing Allocations Policy
- School Admission Arrangements\*

\* For the purposes of the policy framework, "School Admission Arrangements" shall comprise the council's admissions policy (as represented by the admissions booklet for primary and secondary schools) and the School Organisation Plan.

- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, the determining of its minimum revenue provision and the setting of virement limits.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

### **3.03 Council meetings**

There are three types of Council meeting:

- (a) the Annual Meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 3 of this constitution.

## **PART 3.2 COUNCIL PROCEDURE RULES**

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# COUNCIL PROCEDURE RULES

## Part 1: Introduction

### Rule 1: General Provisions

- 1.1 **Application** These procedure rules apply to meetings of the Council, Committees or Sub-Committees of the Council. Where there is any inconsistency between these rules and the Budget and Policy Framework Rules or Overview & Scrutiny Procedure Rules, the latter shall prevail. In the application of these rules to Committees & Sub-Committees, greater informality may be exercised at the discretion of the Chair.

#### Amendment of Rules

- 1.2 These Procedure Rules may only be varied, revoked or added to by resolution of the Council. No arrangements shall be made whereby any Committee, Sub-Committee or officer may exercise any power of the Council to vary, revoke or add to these Procedure Rules.
- 1.3 Except where recommended by a Committee, any motion to amend, revoke or add to these Procedure Rules shall be referred without discussion to the Policy and Resources Committee for consideration and report.

#### Interpretation

- 1.4 The ruling of the Mayor or person presiding at the meeting as to the construction or application of any of these Procedure Rules shall not be challenged at any meeting.
- 1.5 The definition section (Rule 33) shall apply for the purpose of interpreting expressions used in these rules. The headings and sub-headings are not part of the Procedure Rules.

#### Service of Notices and Other Documents

- 1.6 Any notice, requisition, or other document which under these Procedure Rules is required to be given or delivered to the Chief Executive or to his office may be sent by letter, fax or e-mail, but shall not have been properly given or delivered until it has been received by the Chief Executive at Kings House, Grand Avenue, Hove.

#### Suspension of Rules

- 1.7 Subject to 1.8 below, these Procedure Rules may be suspended by the Council provided that notice of the intention to move suspension has been included in the agenda for the meeting or at least one half of the number of Members of the Council are present. Suspension can only be for the duration of the meeting.

- 1.8 This Procedure Rule and Procedure Rules 12.1, and 29.4, are not capable of being suspended.

## **Part 2: Meetings of the Council**

**Note:** Annual meetings take place once a year as required by law and the Council may have ordinary meetings (meetings on days scheduled in advance) or extraordinary meetings (unscheduled meetings to deal with matters that cannot wait until the scheduled Council meeting).

### **Rule 2: Annual Meeting**

#### **Timing**

- 2.1 In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place during March, April or May. In accordance with custom and practice, wherever reasonably practicable, the Annual Meeting shall take place on a Thursday in May.

#### **Agenda**

- 2.2 The Annual Meeting of the Council will:
- (a) elect a person to preside if the Mayor is not present
  - (b) elect the Mayor
  - (c) elect the Deputy Mayor
  - (d) approve the minutes of the last meeting
  - (e) receive any announcements from the Mayor and/or the Chief Executive
  - (f) elect the Leader of the Council if required (see Rule 25)
  - (g) appoint at least one Overview and Scrutiny Committee, an Audit and Standards Committee and such other Committees as the Council considers appropriate
  - (h) receive nominations to outside bodies where the making of appointments to those bodies is a Council function.
  - (i) consider any business set out in the notice convening the meeting.
- 2.3 The order of business set out in 2.2 may be varied by the Mayor.

### **Rule 3: Ordinary Meetings of the Council**

#### **Meeting Days**

- 3.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council or the Policy and Resources Committee.

#### **Time and Place**

- 3.2 The time and place of the meeting will be determined by the Chief Executive. The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. Except in cases of urgency, at least five clear working days before a meeting, the Chief Executive will send a summons signed by him/her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **Rule 4: Extraordinary Meetings of the Council**

#### **Extraordinary Meeting called by the Mayor**

- 4.1 The Mayor may at any time call an extraordinary meeting of the Council and shall do so when such a meeting is required under the Budget and Policy Framework Procedure Rules.
- 4.2 If the Mayor is unable to act for any reason, the Deputy Mayor may at any time call an extraordinary meeting of the Council.
- 4.3 If the offices of both Mayor and Deputy Mayor are vacant, or if neither the Mayor nor Deputy Mayor are able to act for any reason, the Leader of the Council or the Policy and Resources Committee may at any time call an extraordinary meeting of the Council.

#### **Extraordinary Meeting Requisitioned by Members**

- 4.4 An extraordinary meeting of the Council may be called by submission of a requisition signed by at least five Members, specifying the business to be transacted. The requisition shall be delivered to the Chief Executive (see Procedure Rule 1.6). The meeting shall be called within 7 days of receipt of the requisition by the Chief Executive to take place as soon as reasonably practicable.

#### **Extraordinary Meeting called by Council or Officers**

- 4.5 Extraordinary meetings of the Council may also be called by the Chief Executive, the Monitoring Officer; or by resolution of the Council meeting itself.

- 4.6 No extraordinary meeting shall be called unless it is proposed to transact at the meeting business which, in accordance with statute and these Procedure Rules, may be transacted at a meeting of the Council.

#### **Rule 5: Person Presiding at Meetings of the Council**

- 5.1 Any power of the Mayor in relation to the conduct of a meeting of the Council may be exercised by the person presiding at the meeting.
- 5.2 If it is necessary to choose a person to preside in the absence of the Mayor and Deputy Mayor the Chief Executive shall invite nominations, and shall conduct the discussion in accordance with the powers of the Mayor.

#### **Rule 6: Quorum of Meetings of the Council**

##### **Quorum**

- 6.1 The quorum for Council meetings shall be 14.
- 6.2 If, at the beginning of or during any meeting of the Council, the Mayor declares that there is not a quorum present, the meeting shall stand adjourned for 15 minutes.
- 6.3 If after 15 minutes, the Mayor should declare that there is still no quorum present, the meeting shall not take place or shall end, as the case may be. Remaining business shall be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date, the remaining business shall be considered at the next ordinary meeting.

#### **Rule 7: Order of Business at Meetings of the Council**

- 7.1 The order of business at every meeting of the Council shall normally be:
- (a) In the absence of the Mayor and Deputy Mayor to choose a Member of the Council to preside;
  - (b) To receive declarations of interest;
  - (c) At the Annual Meeting, or at any other meeting after the office of Mayor has become vacant, to elect a Mayor;
  - (d) At the Annual Meeting, or at any other meeting after the office of Deputy Mayor has become vacant, to elect a Deputy Mayor;
  - (e) To approve as a correct record the minutes of the last meeting of the Council, and of any earlier meeting of which the minutes have not been already approved, and for the person presiding to sign them;

- (f) To receive communications from the Mayor;
- (g) Where the meeting has been requisitioned under Procedure Rule 4, to consider the business specified;
- (h) To consider business expressly required by statute to be decided by the Council;
- (i) To receive petitions and e-petitions;
- (j) The asking and answering of questions from members of the public;
- (k) The hearing of depositions from members of the public;
- (l) To consider petitions to be debated by the Council;
- (m) The asking and answering of questions by Members;
- (n) To consider items of business (if any) remaining from the last meeting;
- (o) To receive and consider reports, minutes and recommendations of Committees;
- (p) To consider any reports of Overview and Scrutiny Committees for debate
- (q) To consider notices of motion;
- (r) To consider any other business specified in the summons for the meeting including business for which a motion to exclude the press and public is to be put to the Council.

### **Variation of Order of Business**

- 7.2 The order of business in paragraph 7.1 may be varied by direction of the Mayor or by resolution of the Council.

### **Urgent Items**

- 7.3 If the Mayor decides that an item of business not included in the agenda for the meeting may be taken for reasons of urgency, such reasons must be specified and noted in the minutes and that item will be taken at the end of other items of business unless otherwise decided in accordance with paragraph 7.2 above.

## **Withdrawal of items from the Agenda**

- 7.4 After consulting the Group Leaders (or a group member acting on behalf of a political group) the Mayor may remove or withdraw any item of business from the agenda for the meeting. Consultation may take place before or during the meeting and the Mayor may (if he/she considers appropriate) adjourn the meeting for the purposes of undertaking the consultation.

## **Part 3: Notices of Motion, Questions, Petitions & Deputations**

### **Rule 8: Notices of Motion**

#### **Procedural Requirements**

- 8.1 Notice of every motion, other than a motion which under Procedure Rule 13 may be moved without notice, shall be given in writing. It shall be signed by not fewer than two Members of the Council and delivered to the Chief Executive (see Procedure Rules 1.6) by not later than 10.00 am on the eighth working day before the relevant Council meeting.

#### **Number of Notices of Motion**

- 8.2 The maximum number of notices of motion to be presented at a Council meeting shall be as follows:
- the three largest Political Groups: 2 each
  - any other Group: 1
- 8.3 Any Member not belonging to a Political Group may present not more than 1 notice of motion, at the discretion of the Mayor.
- 8.4 Where Members of a Political Group submit more than the permitted maximum number of notices of motion, the Group shall decide which of these it wishes to table. In the absence of such a decision, notices of motion from members of a Group shall be taken in the order in which they are received, up to the permitted maximum number.

#### **Substantive and declaratory Motions**

- 8.5 A notice of motion shall be placed on the agenda for the Council meeting unless the Members submitting the motion ask that it be first considered by a Committee or Sub-Committee. However, if the motion includes a proposal for the Council to take any substantive action or incur any expenditure (substantive motion) it shall only be considered to the extent that either the matter is noted by the Council or is referred to the relevant Committee or Sub-Committee for consideration.



- 8.6 The Policy and Resources Committee or the Monitoring Officer may issue guidance on the application of rule 8.5 above.

### **Members Right to Speak**

- 8.7 When a notice of motion is taken at a meeting of a Committee or a Sub-Committee, a Member who has signed the motion shall have the right to attend and address the meeting.

### **Reporting of outcome of Notice of Motion**

- 8.8 A notice of motion referred to a Sub-Committee will be reported to the next meeting of the parent Committee and to the next meeting of the Council under Procedure Rule 24. A notice of motion referred to a Committee will be reported to the next meeting of the Council for information.

### **Moving a Motion**

- 8.9 A motion of which notice has been given must be moved at Council either by a Member who gave the notice or by some other authorised Member (authorised by the Mayor). If no such Member moves the motion it shall be postponed by consent of the Council, or treated as withdrawn.

### **Relevance**

- 8.10 Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the authority, the area of Brighton & Hove and/or its inhabitants.

### **Consultation**

- 8.11 Where the Council is in the process of consulting with the public on a proposal, no notice of motion expressing support or objecting to the proposals shall be accepted.

## **Rule 9: Questions**

### **Relevance**

- 9.1 Any question asked under this Procedure Rule shall be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or some or all of the inhabitants of that area, and does not relate to any personal or individual matter.

## **Written Questions from Members**

### **Notice**

- 9.2 If a Member of the Council wishes to ask a question at a meeting of the Council of: (a) the Mayor, (b) the Leader of the Council, (c) the Chair of any Committee or Sub-Committee (or in the Chair's absence the Deputy Chair), or, (d) a Member of the Council appointed by the Authority to any external body or joint authority, he/she shall give notice in writing to the Chief Executive of the question (see Procedure Rule 1.6) by not later than 10.00 am on the eighth working day before the meeting at which the question is to be asked.

### **List of Questions**

- 9.3 A list of the questions of which notice has been given shall be circulated to Members of the Council at, or before, the meeting at which they are to be asked.

### **Waiver of notice requirements**

- 9.4 If the Mayor considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of the Council although due notice of the question has not been given, and if the Mayor is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, he/she may permit the question to be asked.

### **Answers**

- 9.5 The questions included on the list of questions at 9.3 above shall be taken as read at the Council meeting. The question will be answered by a written answer made available at the Council meeting, but the person to whom the question has been put may decline to answer it on the condition that he/she provides a written reason for such a decision at that time. No supplementary questions shall be permitted on written questions.

### **Form of Answers**

- 9.6 An answer to a question may be given by the person to whom it is addressed or by a person on his/her behalf, and may take the form of a written answer, which shall be circulated to Members of the Council as soon as reasonably practicable.

### **Oral Questions from Members**

- 9.7 A period of not more than 30 minutes shall be allowed for oral questions from Members, at the expiry of which the meeting shall proceed to the next business.

- 9.8 If a Member of the Council wishes to ask an oral question at a meeting of the Council of: (a) the Mayor, (b) the Leader of the Council, (c) the Chair of any Committee or Sub-Committee (or in the Chair's absence the Deputy Chair), or, (d) a Member of the Council appointed by the Authority to any external body or joint authority, he/she shall give notice in writing to the Chief Executive of the subject matter of question (see Procedure Rule 1.6) by not later than 10.00 am on the eighth working day before the meeting at which the question is to be asked.
- 9.9 Oral questions shall relate to matters of general policy only. Questions of a technical or purely operational nature may be disallowed by the Mayor, or the Member to whom such a question is directed may decline to answer or state that a written answer will be provided.
- 9.10 In deciding whether a question is technical or operational in nature, as opposed to a matter of general policy, the Mayor and Members shall have regard to any guidance issued by the Monitoring Officer.
- 9.11 Oral questions shall be taken in the following order:
- Leader of the Official Opposition
  - Leader of the Labour & Co-operative Group
  - Members of the Green, Conservative and Labour & Co-operative Groups (in that order)
- 9.12 Each Group shall submit to the Mayor in advance of the meeting the order in which they wish their questions to be taken. The Mayor shall have regard to, but not be bound by, these submissions.
- 9.13 The Mayor may allow the Independent Member to ask a question.
- 9.14 A Member may ask no more than one oral question at the same Council meeting.
- 9.15 A Member asking an oral question (but no others) may ask one relevant supplementary question which shall be put and answered without discussion.

### **Application of Rules to Other Meetings**

- 9.16 The rules as to oral questions from Members set out in procedure rules 9.8-9.15 shall not apply to meetings of Committees and Sub-Committees. Instead the procedure on written questions shall apply to such meetings providing that a Member who asked a question may ask one relevant supplementary question which shall be put and answered without discussion.

## **Oral Questions from Members on Reports**

- 9.17 A Member of the Council may ask the Chair or other Member of a Committee who will be moving, or has moved, the reception of a report an oral question upon an item of the report, either at the time provided for Members' Questions under Procedure Rule 7.1 or when that item is under consideration by the Council. The Member who will be moving, or has moved, the reception of that report may, at his/her discretion, nominate another Member to reply to the question.

## **Public Questions**

### **Public Question Time**

- 9.18 A period of not more than fifteen minutes shall be allowed for questions submitted by a member of the public who either lives or works in the area of the authority at each ordinary meeting of the Council.

### **List of Questions**

- 9.19 A list of the questions of which notice has been given shall be circulated to Members of the Council at, or before, the meeting at which they are to be asked.

### **Procedural Requirements**

- 9.20 A public question shall be put at a Council meeting provided that:-
- (a) a copy of the question has been delivered to the office of the Chief Executive (see Procedure Rule 1.6) by not later than 12 noon on the fifth working day prior to the day of the Council meeting at which it is to be asked;
  - (b) the name and address of the questioner is indicated on the question;
  - (c) the questioner is present at the time when the question is put.

### **Length of Questions**

- 9.21 A question shall not exceed 100 words in length. The Chief Executive, after consultation with the questioner, may summarise a question to comply with this requirement.

### **Content of Questions**

- 9.22 The Chief Executive may reject a question if it:
- is not about a matter for which the Authority has a responsibility or which affects the City;

- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council, a Committee meeting or a Sub-Committee meeting in the past six months; or
- requires the disclosure of confidential or exempt information.

### **Formal Referral of Questions**

- 9.23 If the Mayor considers that it would be more appropriate to do so, a question received for submission to Council may instead be referred to the relevant Committee or Sub-Committee (but not Joint-Committee) for answer and shall be dealt with in accordance with the Council's Protocol for Public Questions at Committee and Sub-Committee meetings.

### **Waiver of notice requirement**

- 9.24 If the Mayor considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of the Council although due notice of the question has not been given, and if the Mayor is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, he/she may permit the question to be asked.

### **Putting Questions**

- 9.25 Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions. Any question shall be notified to the relevant Member of the Council and shall be put to such Member at the Council meeting by the questioner.

### **Answers**

- 9.26 Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion.

### **Form of Answers**

- 9.27 An answer may take the form of:-
- (a) a direct oral answer; or
  - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (c) where the reply to the question cannot conveniently be given orally, a written answer given to the member of the public submitting the question and circulated to the Council.

- 9.28 No questioner may submit more than one question for answer at the same meeting.
- 9.29 Any question properly submitted but not dealt with at the Council meeting shall be answered in writing to the questioner as soon as reasonably practicable after the meeting.

## **Rule 10: Petitions**

### **Presentation of Petitions**

- 10.1 At a meeting of the Council any Member of the Council or a Member of the public may present a petition which is submitted in accordance with the Council's scheme for handling petitions.
- 10.2 The presentation of the petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer of the petition and indicating the number and description of the signatories.
- 10.3 Petitions shall be presented in the order in which notice of them is received by the Mayor.

### **Action following Petitions**

- 10.4 A petition with less than 1250 signatories presented to the Council meeting shall be received without discussion and shall be included on the agenda for the next available meeting of the relevant Committee or Sub-Committee. The Member of the Council or member of the public presenting the petition shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in accordance with the requirements of the Council's Petitions Scheme.

### **Debate on Petitions**

- 10.5 A qualifying petition with 1250 or more signatures will trigger a debate at Full Council, except where the petition is asking for a senior officer to give evidence.
- 10.6 A petition meeting the criteria set out at 10.5 above may be debated at the meeting at which it is presented or at a later meeting.
- 10.7 There shall be a guillotine on the debate on the petition of 15 minutes, after which the vote will be put, unless the Mayor at his or her discretion extends the debate.
- 10.8 The Council will decide how to respond to the petition and shall decide either:-
- To take the action the petition requests;

- Not to take the action the petition requests for reasons stated in the debate;
- To commission further investigation into the matter prior to consideration at a future meeting of the Council, which may include holding an inquiry or public meeting, commissioning research or reference to a particular committee or body for their views;
- To refer the petition to the relevant Committee or Sub-Committee, in which case the Council may make recommendations to the relevant Committee or Sub-Committee.

### **Officer Evidence**

10.9 The officers to be called to give evidence at a public meeting under section 16 Local Democracy, Economic Development and Construction Act 2009 and pursuant to the Council's scheme for handling petitions are:-

- The Chief Executive
- Directors

### **Rule 11: Deputations**

11.1 A period of not more than fifteen minutes shall be allowed at each ordinary meeting of the Council for the hearing of deputations from members of the public.

#### **Procedural Requirements**

- 11.2 A deputation shall be heard provided that by not later than 12 noon on the fifth working day prior to the day of the relevant Council meeting:
- (a) notice has been given to the Chief Executive in accordance with Procedure Rule 1.6, which complies with paragraphs (b) to (d) below;
  - (b) the subject matter of the deputation is notified in writing. A deputation shall not exceed one side of A4 in length. Accompanying material may be supplied and should comprise no more than 2 sides of A4 paper;
  - (c) the names, addresses and organisation (if any) of the persons forming the deputation, to be no more than six, indicating which one person is to speak, are notified in writing (note - the addresses of those persons forming the deputation will not be published by the council, but details of the ward(s) in which they are located will be circulated to the Council meeting).

### **Relevance**

- 11.3 Any deputation under this Procedure Rule shall be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or some or all of the inhabitants of that area, and does not relate to any personal or individual matter.

### **Time allocated for presentation**

- 11.4 Each deputation may be heard for a maximum of 5 minutes following which one Member of the Council, nominated by the Mayor, may speak in response. It shall then be moved by the Mayor and voted on without discussion that the deputation be thanked for attending and its subject matter noted.

### **Action following Deputation**

- 11.5 The subject matter of a deputation heard at the Council meeting shall be included on the agenda for the next available meeting of the relevant Committee or Sub-Committee. The persons forming the deputation shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in relation to the matters set out in the deputation.

## **Part 4: Conduct of Meetings**

### **Rule 12: Minutes**

- 12.1 Minutes of every meeting of the Council, Committees and Sub-Committees shall be submitted to and signed at the next following ordinary meeting of the body concerned.
- 12.2 The Mayor or Chair shall put the question that the minutes submitted to the meeting be approved as a correct record.
- 12.3 No discussion shall take place upon the minutes, except upon their accuracy. Any question as to accuracy shall be raised by motion. The Mayor or Chair shall then sign the minutes.
- 12.4 The minutes shall record the names of Members present and any decisions taken at the meeting. To assist with the record of attendance all members present during the whole or part of any meeting must sign their names on an attendance sheet before the conclusion of the meeting.
- 12.5 The minutes will be recorded in a book of loose leaf pages and when signing the minutes, the Mayor or Chair shall sign each page of the approved minutes.



- 12.6 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **Rule 13: Motions and Amendments**

#### **Motions where notice is not required**

- 13.1 The following motions may be moved without notice at any meeting:
- (a) to elect in the event of a vacancy a Mayor, or Deputy Mayor, or Chair, or Deputy Chair or to appoint a person to preside at the meeting at which the motion is made;
  - (b) motions relating to the accuracy of the minutes;
  - (c) motions relating to a change in the order of business;
  - (d) motions extending the time limit for speeches;
  - (e) “that the Council (or Committee or Sub-Committee) proceed to the next business”;
  - (f) “that the question be now put”;
  - (g) “that the debate be now adjourned”;
  - (h) “that the Council (or Committee or Sub-Committee) do now adjourn”;
  - (i) motions as to the termination of meetings;
  - (j) motions relating to the suspension of Procedure Rules without notice;
  - (k) motions to exclude the public from a meeting where there is likely to be otherwise disclosure of exempt or confidential information, in accordance with the Access to Information Procedure Rules set out in Part 7 of the constitution;
  - (l) motions giving consent of the Council, Committee or Sub-Committee where it is required under these Procedure Rules;
  - (m) motions to appoint a Committee or Member arising from an item on the summons for the meeting;

- (n) motions to refer a petition which has been presented to the Council or any other matter to a Committee or Sub-Committee or other appropriate body or individual for consideration;
- (o) motions relating to deputations under Procedure Rule 11.4.

### **Moving Recommendations**

- 13.2 On consideration of a report or a recommendation from a Committee, Sub-Committee or officer, the adoption of the report or recommendation and any resolutions consequential upon that adoption may be moved without notice.

### **Amendment to Motions**

- 13.3 Subject to the requirements of procedure rule 15.4 as to notice, an amendment to a motion may be moved, but shall be relevant to the motion. No amendment shall be moved to an amendment.
- 13.4 An amendment shall be either to refer the matter to a Committee, Sub-Committee or an officer for consideration, to leave out some or all words, or to insert or to add other words, but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting.

### **Alteration/Withdrawal or Amendments of Motions**

- 13.5 With the consent of the meeting, signified without discussion, a Member may:
- (a) alter a motion of which he/she has given notice;
  - (b) with the further consent of the seconder, alter a motion which has been moved and seconded; if the alteration is one which could be made as an amendment.
- 13.6 With the consent of the seconder and the meeting, signified without discussion, the mover of a motion or an amendment may withdraw it. No Member shall speak to such a motion or amendment after the mover has asked consent for its withdrawal, unless such consent has been refused.

### **The 6 Month Rule**

- 13.7 At a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period. Such a motion may be moved if it is recommended by a Committee or Sub-Committee or notice of such motion has been given by as many Members as will constitute a quorum of the Council (14) on the summons to the meeting.

## **Consent**

- 13.8 Where the consent of the Council, Committee or Sub-Committee is required for anything, that consent may be given either by the Mayor or Chair asking the meeting whether there are any objections to the consent being given, and if no objection is raised, giving that consent, or if objection is raised, or if the Mayor or Chair so chooses, by a motion moved, seconded and put to the meeting.

## **Rule 14: Written Reports**

- 14.1 No report upon which decisions are proposed to be made shall be taken at any meeting of the Council, a Committee or Sub-Committee, unless it is in writing.
- 14.2 Verbal amendments and additions to written reports may be made unless the effect is to nullify the recommendations in the report and replace them with others, other than for special reasons which must be recorded in the minutes.
- 14.3 Where petitions under Procedure Rule 10, Members' letters under Procedure Rule 23.3, motions under Procedure Rule 8 or deputations under Procedure Rule 11, are referred to a committee unaccompanied by a written report, the committee may discuss the petition, letter, motion or deputation, as the case may be, in general terms and note the same, or ask for an officer report on the matter. No decision which requires the Council to take substantive action or incur expenditure may be taken in response to a request in a petition, notice of motion etc, in the absence of an officer report.

## **Rule 15: Rules of Debate (All Meetings)**

### **General**

- 15.1 The rules of debate in this Procedure Rule shall apply to all meetings of the Council, Committees and Sub-Committees. In the case of Committees and Sub-Committees, however, the Council recognises that a greater informality may be exercised by the Chair in order to efficiently transact the business before the meeting. Such informality shall be at the discretion of the Chair.

### **Seconding Motions and Amendments**

- 15.2 A motion or amendment shall not be discussed unless it has been proposed and seconded.

### **Reserving Speech**

- 15.3 When seconding a motion or amendment, a Member may reserve his/her speech until a later period of the debate before declaring his/her intention to do so.

### **Notice of Amendments**

- 15.4 Copies of amendments will be prepared and circulated prior to the start of a Council meeting only if such amendments are presented to the Chief Executive by 10.00am on the day of the Council meeting. Amendments for which notice has not been given shall be permitted at any time, provided they are moved and seconded. The Mayor or Chair may require that such amendments shall be put in writing and handed to him/her before they are discussed further.

### **One amendment at a time**

- 15.5 Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.
- 15.6 If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.

### **Speeches**

- 15.7 If two or more Members offer to speak, the Mayor or Chair shall call on one to speak.
- 15.8 When speaking, a Member shall address the Mayor or Chair.
- 15.9 A Member shall direct his/her speech to the question under discussion, or to a personal explanation or to a point of order under the provisions of the next paragraph.

### **Point of Order**

- 15.10 A Member claiming to speak on a point of order or in personal explanation shall be entitled to be heard forthwith. The point of order shall relate only to an alleged breach of a specified statutory provision or a specified Procedure Rule, and the way in which the member raising it considers that it has been broken. Personal explanation shall be confined to some material part of the speech by him/her which may appear from the current debate to have been misunderstood.

- 15.11 The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion except on a motion of which due notice has been given.

### **Procedural Motions**

- 15.12 When a motion is under debate, no other motion shall be moved except the following:

- (a) to withdraw or amend the motion;
- (b) a closure motion under the next paragraph;
- (c) a motion dealing with the prevention of disorder;
- (d) a motion to exclude the press and public.

### **Closure Motions**

- 15.13 The following closure motions shall be permitted during discussion of another motion. They shall be moved, seconded and put without discussion. If the motion is moved and seconded, then the person presiding shall proceed as follows:

- (a) **“that the meeting proceed to the next business”**. The person presiding shall permit the mover of the original motion to reply, and then put to the vote the motion to proceed to the next business; if that motion is carried the original motion shall lapse;
- (b) **“that the question be now put”**. If the person presiding is of the opinion that the matter before the meeting has been insufficiently discussed he/she may refuse to accept the motion; if he/she accepts the motion, he shall put to the vote forthwith the motion that the question be now put; if this is carried, he/she shall permit the mover of the original motion (at meetings of the Council) any right of reply to which he/she is entitled and then put that motion to the vote;
- (c) **“that the debate be now adjourned”** or **“that the meeting do now adjourn”**. If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, he/she may refuse to accept either of these motions, and instead put the motion that the question be now put; if he/she is of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he/she shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion; the original motion or remaining business shall then stand over as uncompleted business until the next meeting of the Council, Committee or Sub-Committee, as the case may be.

## **Rule 16: Rules of Debate (Council Meetings Only)**

### **General**

- 16.1 A Member shall stand when speaking unless unable to do so.
- 16.2 When a Member is speaking, the other Members shall remain seated, unless rising to a point of order or in personal explanation.
- 16.3 Whenever the Mayor rises during a debate, a Member then standing shall resume his/her seat and the Council shall be silent.

### **Speech Times**

- 16.4 Except with the consent of the Council, signified without comment, the mover of a motion shall not speak for more than 5 minutes and no other speaker shall speak for more than 3 minutes. For the purposes of this paragraph a person who moves an amendment is not moving a motion, and the length of time allotted to the mover of a motion does not include any time permitted under a right of reply. Any extension of time for speeches consented to by the Council shall be limited to 5 minutes.
- 16.5 A Member who has spoken on any motion shall not speak again while it is the subject of debate, except:
  - (a) to speak once on an amendment moved by another Member;
  - (b) if the motion has been amended since he/she last spoke, to move a further amendment;
  - (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment to which he/she spoke was carried;
  - (d) in exercise of a right of reply under paragraph 16.6 below or within a closure motion debate;
  - (e) on a point of order or by way of personal explanation as defined in 15.10.

### **Right to reply**

- 16.6 The mover of a motion has a right of reply at the close of debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of an amendment shall have no right of reply to the debate on that amendment.

## **Motions and related reports**

- 16.7 Where a notice of motion submitted to the Council meeting in accordance with Procedure Rule 8 relates to a matter which is also the subject of a report from a Committee to the same Council meeting, the Mayor may at his/her discretion, and for procedural purposes only, treat the notice of motion as if it were an amendment to the report of the Committee, providing that both the mover of the notice of motion and the Member moving the report will have a right of reply.

## **Right to reply when Amendment is accepted**

- 16.8 Where the mover of a motion is permitted to alter the same under procedure rule 13.5 and such an alteration incorporates an amendment moved by another Member, the mover of the original motion shall retain ownership of the motion and be entitled to a right of reply at the conclusion of the debate.

## **Rule 17: Termination of Meeting**

- 17.1 Without prejudice to 17.2 below, when a period of four hours excluding adjournments has elapsed since the commencement of a meeting of the Council, the Mayor shall move, without comment, that the meeting ends and that business be concluded in accordance with Procedure Rule 17.5.
- 17.2 At a time when a period of not less than four hours excluding adjournments has elapsed since the commencement of the meeting of the Council a Member of the Council may move, without comment, that the meeting shall end at a time to be specified in the motion.
- 17.3 The Mayor may refuse to accept the motion moved under 17.2 above if a similar motion has been rejected earlier in the same meeting.
- 17.4 If a motion under 17.2 is accepted, it shall be seconded and put to a vote without comment.
- 17.5 If the motion under 17.1 or 17.2 is passed then immediately after the vote (in the case of a motion under rule 17.1 or when the time specified in the motion arrives (in the case of a motion under 17.2):
- (a) no further points of order shall be raised except by the Mayor;
  - (b) the Mayor shall then interrupt the discussion of the question then before the meeting;
  - (c) unless the mover of the motion then under discussion seeks leave to withdraw that motion, the Mayor shall allow him/her to reply to the debate for not more than three minutes;

- (d) unless the motion then under discussion is withdrawn, the Mayor shall put, without further discussion, all the questions necessary to dispose of that motion;
- (e) the Mayor shall put, without discussion, all the questions necessary to complete consideration of any reports which remain on the agenda for the meeting, unless the Committee Chair (or a person on his/her behalf) indicates a wish to the contrary;
- (f) the Mayor shall call each Member who has given notice of a motion to be moved at that meeting to move the motion (unless previously withdrawn) without comment, shall permit any motions so moved to be seconded without comment, and shall forthwith put any motions to the vote;
- (g) finally, the Mayor shall close the meeting.

## **Part 5: Committees and Sub-Committees**

### **Rule 18: Appointment of Committees, Sub-Committees and Representatives on Outside Bodies**

#### **Appointment of Committees**

##### **18.1 At its Annual Meeting the Council:**

- (a) may resolve, upon a recommendation from the Chief Executive or the Policy and Resources Committee consequent upon reviewing the Committee structure, which Committees shall be appointed, what shall be the terms of reference of each of those Committees, and of how many voting Members each Committee shall consist;
- (b) may resolve that non-voting members (co-optees) shall also be appointed to any such Committee;
- (c) shall specify the number of non-voting members and the functions in relation to the Committee each such person so appointed may exercise;
- (d) may resolve what limitations if any should be placed on the powers of any such Committee to arrange for the discharge by a Sub-Committee of any functions which it itself may discharge.
- (e) may receive nominations of Councillors to serve on outside bodies and may make appointments to such bodies except where this function has been delegated to a Committee, Sub-Committee or an officer.

##### **18.2 The terms of reference of Committees as agreed from time to time are set out in Parts 5 and 6 of the constitution.**



- 18.3 The Council may at any time amend resolutions made under paragraph 18.1.

#### **Delegation to Sub-Committee**

- 18.4 Every Committee may, subject to the approval of the Policy and Resources Committee, appoint Sub-Committees for such purposes as they think fit, and may (subject to Procedure Rule 18.1(d) above), make arrangements for a Sub-Committee to discharge any of the functions of the Authority which the Committee may discharge. The terms of reference of Sub-Committees as agreed from time to time are set out in Parts 5 and 6 of the constitution.

#### **Continuity of Committees & Sub-Committees**

- 18.5 Each Committee set up under this Procedure Rule, and every Sub-Committee set up by such a Committee, shall continue to discharge the functions committed to them until the Council or Committee, as the case may be, resolves otherwise.

#### **Continuity of holders of Office**

- 18.6 Every person appointed as a voting Member of such a Committee or Sub-Committee and every person appointed to exercise other functions in relation to a Committee shall continue to act as such until such time as the appointment is terminated by the Authority.

#### **Allocation of Seats**

- 18.7 The Chief Executive shall submit a report to the Council or Committee (as the case may be) showing the allocation of seats which would in his/her opinion best meet the requirements of the allocation of seats between political groups. Such report shall be submitted:
- (a) whenever the Council is required to review the allocation of seats on Committees between political groups; or
  - (b) when the Council resolves to carry out such a review; or
  - (c) when a Committee is required to review the allocation of seats on a Sub-Committee between political groups; or
  - (d) when a Committee resolves to carry out such a review.
- 18.8 In the light of such a report the Council or the Committee as the case may be shall determine the allocation of seats to political groups.

### **Appointments in Accordance with the Wishes of Political Groups**

- 18.9 Whenever an appointment of a voting Member for a Committee or Sub-Committee or a representative on an outside body needs to be made in accordance with the wishes of the political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Chief Executive shall make or terminate the appointment accordingly.

### **Appointment of a Leader**

- 18.10 The Council may appoint, from among its voting Members, a Leader of the Council. If the Council does not appoint a Leader of the Council, the Leader of the largest political group shall be the Leader of the Council.

### **Attendance at Committee Meetings of Leader, Chairs and Leader of the Official Opposition**

- 18.11 The Chair or Deputy Chairs of a Committee may attend and speak at a meeting of any Sub-Committee appointed by that Committee but may not vote unless appointed as a voting Member. The Leader of the Council or in his/her absence the Deputy Leaders may attend and speak at any meeting of a Committee or Sub-Committee appointed by the Council but may not vote unless appointed as a voting Member. The Leader of the Official Opposition may attend and speak at any meeting of a Committee or Sub-Committee appointed by the Council but may not vote unless appointed as a voting Member. These rules shall not apply to Committees or Sub-Committees discharging quasi-judicial or personnel appeals functions (e.g. planning, licensing, personnel appeals, standards assessment or hearing panels),

### **Attendance: All Members**

- 18.12 A Member of the Council who is not otherwise entitled to attend and speak at a Committee or Sub-Committee shall be entitled to do so at a meeting of the Committee or Sub-Committee with the agreement of the Chair of the Committee or Sub-Committee.

### **Advisory Bodies**

- 18.13 The Council or the Policy and Resources Committee may from time to time establish working groups, forums, panels or other advisory bodies in connection with Council functions, the membership of which shall be drawn from Members of the Council and/or co-optees. The proceedings of any such groups shall be reported to the relevant Committee or Sub-Committee and should include any recommendations or advice from that group. No Committee or Sub-Committee may delegate its functions to any such group.

## **Substitutes**

- 18.14 Where Members of the Council who are Members of Committees or Sub-Committees are unable to attend a meeting for whatever reason, a substitute Member may attend and speak and vote in their place for that meeting.
- 18.15 The substitute Member shall be a Member of the Council drawn from the same political group as the Member who is unable to attend the meeting, and must not already be a Member of the relevant Committee or Sub-Committee. The substitute Member must declare themselves as a substitute, and be minuted as such, at the beginning of the meeting or as soon as they arrive.
- 18.16 In the case of particular Committee or Sub-Committees, the Council may approve a panel of substitutes and, in such case, no Member may act as a substitute unless he/she is on the panel of substitutes for the Committee or Sub-Committee concerned.

## **Substitutes in Overview and Scrutiny**

- 18.17 The provisions of Procedure Rule 18.14 to 18.15 regarding substitute Members shall not apply in respect of meetings of Scrutiny Review Panels and Policy Review Panels.

## **Substitution in Licensing**

- 18.18 The requirement under Council Procedure Rule 18.15 for a substitute Member to be drawn from the same political group as the Member who is unable to attend the meeting shall not apply to the Licensing Act 2003 Sub-Committee/Panel.

## **Substitution on Audit and Standards Committee**

- 18.19 Paragraph 18.14 shall not apply in relation to the Audit and Standards Committee. In consequence, no Member may act as a substitute on this committee.

## **Rule 19: Meetings of Committees and Sub-Committees**

### **Time and Date of Meeting**

- 19.1 The Council, the Policy and Resources Committee, or the relevant Committee or Sub-Committee, may fix the date, time and place of ordinary meetings of Committees and Sub-Committees.
- 19.2 The Chair or Deputy Chair of the Committee or Sub-Committee may call a special meeting of the Committee or Sub-Committee as the case may be at any time. Questions, petitions, Members' letters or deputations can only be heard at a Special Meeting where they relate to the matter which is the subject of the Special Meeting.

### **Requisition of a Meeting**

- 19.3 One quarter of the total number of voting Members of a Committee or Sub-Committee may requisition a meeting of the Committee or Sub-Committee. Such requisition must specify the business proposed to be transacted and shall be delivered to the Chief Executive.

### **Rule 20: Chairs and Deputy Chairs of Committees and Sub-Committees**

#### **Appointment of Chairs**

- 20.1 The Council may appoint, from amongst its voting Members, a Chair and Deputy Chair or Deputy Chairs of Committees and Sub-Committees.
- 20.2 If no appointments have been made by the Council under paragraph 20.1 above the Committee or Sub-Committee shall at its first meeting after the Annual Meeting of the Council (or in the case of a vacancy at any meeting) elect from amongst its voting Members a Chair and Deputy Chair or Deputy Chairs.
- 20.3 In the absence of the Chair or Deputy Chair at a meeting of a Committee or Sub-Committee, those voting Members present shall elect a person from amongst their number to preside over the meeting.
- 20.4 The Chief Executive or his/her representative shall invite nominations and shall exercise the powers of the Chair in order to regulate the discussion.
- 20.5 No Member of the Council shall be Chair of more than one Committee without the permission of the Council.

### **Rule 21: Quorum of Committees and Sub-Committees**

- 21.1 No business shall be transacted at any meeting of a Committee or Sub-Committee unless at least **one quarter** of the whole number of voting Members of the Committee or Sub-Committee are present, provided that in no case shall any business be transacted until at least two voting Members are present.
- 21.2.1 The provisions of Procedure Rule 6 shall apply to a meeting of the Committee or Sub-Committee at which a quorum is not present as they would apply if it were a meeting of the Council.

## **Rule 22: Urgency Sub-Committees**

- 22.1 Each Committee of the Council shall appoint an Urgency Sub-Committee to exercise its powers. The membership of such Urgency Sub-Committee shall consist of the Chair of the Committee, and two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between political groups.
- 22.2 Such Urgency Sub-Committees may exercise their powers in relation to matters of urgency on which it is necessary to make a decision before the next ordinary meeting of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next ordinary meeting of the Committee as appropriate.

## **Rule 23: Order of Business in Committees and Sub-Committees**

- 23.1 Except in cases of urgency, at least five clear working days before the date of every meeting of a Committee or Sub-Committee, or as soon as the meeting is called, whichever is the later, the Chief Executive shall send to every voting Member and to every other person entitled to receive the papers of the Committee or Sub-Committee a copy of the agenda for the meeting.
- 23.2 The agenda shall include:
- (a) all items of business which have been, or are deemed to have been, referred to the Committee or Sub-Committee by the Council or by another Committee or Sub-Committee, as the case may be;
  - (b) all reports submitted to the Committee or Sub-Committee by the Chief Executive, Chief Officer or his/her nominee;
  - (c) any item of business directed to be included by the Chair of the Committee or Sub-Committee.
  - (d) the asking and answering of questions from members of the public, in accordance with the Council's Protocol for Public Questions at Committees and Sub-Committees.

### **Members' Letters**

- 23.3 Any Councillor may submit a letter for inclusion on the agenda for a meeting of any Committee or Sub-Committee, and any such letter shall be so included providing that:
- It is delivered to the Chief Executive (see Procedure Rule 1.6) by 10.00 am on the eighth working day prior to the Committee.
  - In the opinion of the Chief Executive it is relevant to the terms of reference of the Committee or Sub-Committee to which it is

submitted, and contains a substantive proposal for consideration by the Committee or Sub-Committee

- in the opinion of the Chief Executive it is not defamatory, frivolous or offensive.

### **Members' right to speak**

- 23.4 Any Councillor who has submitted a letter which is included on the agenda for a Committee or Sub-Committee under Procedure Rule 23.3 shall be invited to attend the meeting of the Committee or Sub-Committee on which it is so included and may speak for up to three minutes on that item at the meeting.

### **Unaccompanied letters**

- 23.5 If a Councillor's letter included on the agenda for a Committee or Sub-Committee under Procedure Rule 23.3 is unaccompanied by a written officer report, it shall only be considered to the extent that either the matter is noted by the Committee or Sub-Committee or a motion that an officer report be written is carried.
- 23.6 Subject to any directions given by the Chair of the Committee or Sub-Committee, the items of business shall be arranged in such order as the Chief Executive thinks will best ensure the effective despatch of business.

## **Rule 24: Proceedings of Committees and Sub-Committees**

- 24.1 A report of the proceedings of each Sub-Committee meeting shall be submitted to the next meeting of each Committee which has delegated functions to that Sub-Committee. Due to the nature of its main business, this requirement shall not apply to the Standards Panel, but at the discretion of the Chair items of business may be reported to the Audit and Standards Committee.
- 24.2 Where the relevant Committee so direct, reports of the proceedings of the Committee shall be submitted to Council for reception. The Chair of the relevant Committee, or in his or her absence the Deputy Chair or person nominated by the Chair, shall move the reception of such Committee reports and any recommendations contained therein. Committees may determine whether items are to be put to Council for information or for decision by Council. Committee reports shall distinguish items for information and those for decision by Council.

### **Inclusion of items on Council Agenda**

- 24.3 (a) Items for information shall relate to decisions made by the Committee under delegated powers. The Committee may determine that any agenda item is to be included in the report to Council. In addition, each minority group represented on the Committee may specify one further item which shall be so

included, by notifying the Chief Executive of the item not later than 10.00 am on the eighth working day before the Council meeting to which the report is to be made or, if the Committee meeting takes place after this deadline, immediately at the conclusion of the Committee meeting.

- (b) Items for decision by Council shall be all those where a recommendation is made on matters falling outside the delegated powers of the Committee or where the Committee decides that the decision is to be made by the Council.

24.4 On the reception of such reports any recommendations and items under 24.3 shall be subject to rules of debate under Procedure Rule 15 subject to being reserved for debate during call-over.

#### **Call Over (Reservation of Items for Discussion)**

24.5 Before the Council receives and considers the reports of Committees, the items which appear on the agenda of the Council meeting shall be called over item by item. A Member of the Council wishing to speak on or vote against any item may reserve it for debate immediately the number of the item has been called. After the reports of Committees have been called over the Mayor shall put to the meeting in one motion the reports of the Committees with the exception of those items which have been called and reserved and the Council shall vote on the motion without discussion.

24.6 After the wishes of the Members have been so ascertained, no discussion shall be permitted on any part of the reports which is not a 'reserved item'. The Chair of each Committee shall separately move each item on the proceedings of that Chair's Committee which has been reserved.

### **Part 6: Miscellaneous**

#### **Rule 27: Prevention of Disorderly Conduct**

##### **Misbehaviour by a Member**

27.1 If the person presiding at any meeting of the Council, Committee, Sub-Committee, Panel or working party is of the opinion that a Member has misconducted, or is misconducting, himself/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, he/she may notify the meeting of that opinion, and may take any of the following courses, either separately or in sequence:

- (a) he/she may direct the Member to refrain from speaking during all, or part, of the remainder of the meeting;

- (b) he/she may direct the Member to withdraw from all, or part, of the remainder of the meeting;
- (c) he/she may order the Member to be removed from the meeting;
- (d) he/she may adjourn the meeting for 15 minutes or such period as shall seem expedient to him/her.

**Misbehaviour by a Member of the Public**

- 27.2 If a member of the public interrupts proceedings at any meeting, the person presiding shall order him/her to leave the room where the meeting is being held. If he/she does not leave, the person presiding shall order him/her to be removed. If a member of the public persistently creates a disturbance, the person presiding may adjourn the meeting for 15 minutes or such period as shall seem expedient to him/her.
- 27.3 If there is a general disturbance making orderly business impossible, the Mayor or Chair may adjourn the meeting for as long as he/she thinks necessary. If there is a general disturbance in any part of the meeting room open to the public the Mayor or Chair may call for that part to be cleared.

**Rule 28: Exclusion of Public and Press**

- 28.1 Members of the public and press may only be excluded from meetings of the Council, Committees or Sub-Committees either (i) in accordance with the Access to Information Rules in Part 7 of this constitution; (ii) in accordance with the provisions of Procedure Rule 27 above ('Prevention of Disorderly Conduct'), or (iii) Under common law or statutory powers available to the Council, which shall be exercisable by the relevant Chair, the Chief Executive or the Monitoring Officer.

**Rule 29: Voting**

**General**

- 29.1 Except where a requisition is made under the next paragraph, the method of voting at meetings of the Council, or Committees and Sub-Committees shall be by show of hands. Voting may be by an electronic method in the case of Council meetings. Unless this constitution provides otherwise, any matter will be decided by a simple majority of the Members voting and present in the room at the time the question was put. If there is an equal number of votes for and against the motion, the Mayor or Chair will have a second or casting vote. There will be no restriction on how the Mayor/Chair may choose to exercise a casting vote. If the Mayor/Chair does not exercise his/her casting vote the motion or proposal shall fall.



### **Recorded Votes**

- 29.2 If a requisition is made by the specified number of Members, before a vote is taken on any question, the voting on that question shall be recorded so as to show whether each Member present gave his/her vote for or against that question or abstained from voting. Voting may be by an electronic method in the case of Council meetings.
- 29.3 The specified number of Members is one-fifth of the Members entitled to vote at the meeting (11 for Council meetings).
- 29.4 Except where a recorded vote has been taken, any Member who is present when the vote was taken may require that his/her vote or abstention shall be recorded in the minutes by informing the Chair forthwith, immediately after the vote is taken.

### **Voting on Appointments**

- 29.5 Where a vote is required on a motion to appoint or elect a Member of the Council to a position to be filled by the Authority, and there are two or more Members nominated for that position, the names of all those nominated shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for any one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- 29.6 If there is a requisition under Rule 29.2 for a recorded vote on the appointment of candidates, rule 29.5 shall apply without the requirement to put the names of those nominated in alphabetical order of surname. Each Councillor shall instead be asked to indicate their preferred candidate when his/her name is called. The rest of the requirements under rule 29.5 shall apply.

### **Rule 30: Attendance**

- 30.1 Every person attending as a Member of a meeting of the Council, Committee or a Sub-Committee shall sign his/her name in the attendance book or on the attendance sheet provided for that purpose.
- 30.2 At the end of each municipal year a report shall be circulated by the Chief Executive as to the number of meetings held by the Council and each Committee and Sub-Committee and the attendance of Members at those meetings.

### **Rule 31: Cameras/TV Cameras/Recording at Council**

- 31.1 Subject to prior approval, which shall be at the absolute discretion of the Mayor or the person presiding at the meeting, one or more accredited representatives of newspapers\* within the meaning of the

Local Government Act 1972 or any other person may be permitted to film, record or transmit the proceedings at Council meetings except for that part of the meeting where the public are excluded pursuant to a resolution passed in accordance with Section 100A(2) or (4) of the Local Government Act 1972 as amended.

[\*representatives of news agencies, radio and television organisations etc. are included within the definition of newspaper representative].

- 31.2 Any person attending a meeting of the Council or of a Committee or Sub-Committee shall observe the Council's rule that mobile telephones must be switched off at all times during such meetings.
- 31.3 The recording of proceedings by authorised personnel for the purposes of web-casting shall be permitted, providing that the Mayor or person presiding at the meeting may withdraw such authorisation if he/she considers it is not conducive to the efficient despatch of business.

### **Rule 32: Smoking at Meetings**

- 32.1 Any person at or attending a meeting of the Council or of a Committee or a Sub-Committee shall observe the Council's rule that no smoking be permitted in such meetings.

### **Rule 33: Definitions**

- 33.1 In these Procedure Rules, unless the context otherwise demands, the following terms have these meanings:

“Authority” - the Brighton & Hove City Council

“Chief Officer” - the same definition as set out in Article 10 of the constitution.

“Committee or Sub-Committee” - a Committee or Sub-Committee of Brighton & Hove City Council

“Council” - Brighton & Hove City Council sitting as the Full Council

“Group Leader” - the Leader of a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990

“Leader of the Council” - the Leader of the Council appointed in accordance with Rule 18.10.

“meeting” - a meeting of the Council, a Committee or Sub-Committee as the case may be

“Member” - in relation to the Council, a Member of the Council; in relation to any Committee or Sub-Committee a person appointed as a

Member of that Committee or Sub-Committee whether or not entitled to vote

“minority group” - a political group which is not the majority group, or in any other case designated as such by a resolution of the Council

“Monitoring Officer” - the person designated under Section 5 of the Local Government & Housing Act 1989

a “motion to exclude the press and public” - a motion under Section 100A of the Local Government Act 1972

“political group” - a political group as defined by the Local Government (Committees and Political Groups) Regulations 1990

"Regulatory Committee/Sub-Committee" - a Committee or Sub-Committee of the Council which has delegated powers to discharge some of the Council's regulatory functions

"Sub-Committee" - a Sub-Committee of Brighton & Hove City Council,

- 33.2 Unless the context otherwise requires, the singular includes the plural and the plural includes the singular; the masculine includes the feminine and the feminine includes the masculine.

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## **PART 4 - SCHEME OF DELEGATION TO COMMITTEES AND SUB-COMMITTEES**

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## INTRODUCTION AND GENERAL DELEGATIONS

### A. Introduction

1. This scheme of delegation sets out the functions of the Council to be discharged by the Council, its Committees and Sub-Committees. It also includes terms of reference of statutory and non-statutory advisory bodies set up by the Council.
2.
  - (a) The functions delegated to Committees and Sub-Committees under this scheme are subject to the Councils Standing Orders, Regulations and procedures.
  - (b) A Committee or Sub-Committee dealing with a matter that has corporate policy or corporate budgetary implications (e.g. committing the Council to expenditure that has serious impact on the overall finances of the authority) will normally refer the matter to the Policy & Resources Committee with recommendations. The Chief Executive may issue practical guidance as to the application of this paragraph. Where the position is not clear, the Chief Executive (in relation to policy matters) or the Director of Finance (in relation to budgetary matters) will make the final determination.
  - (c) Where a committee would otherwise have delegated powers to make decisions, non-compliance with paragraph 2(b) above shall not affect the validity of the decision taken.
  - (d) The acquisition or disposal of land or an interest in land shall be referred to the Policy & Resources Committee for determination. This shall not affect the relevant committees' powers to make decisions on service issues relating to their functions.
3. Where a function is delegated to a Committee, that Committee may delegate the function to its Sub-Committee(s) or an officer and the Sub-Committee(s) may delegate the function to an officer.
4. Where a function is delegated to more than one Committee or Sub-Committee, any one of those Committees or Sub-Committees may exercise the function.
5. All such matters as may be regarded as included by inference shall be comprised with the delegated functions of the Committee or Sub-Committee, and delegated functions shall include all consequential or ancillary matters as necessary.
6. In this scheme a reference to an Act of Parliament shall be deemed to include a reference to any Act by which it is applied, extended, amended, consolidated or replaced. It shall also be deemed to refer to any statutory instrument, regulations, orders, byelaws or the like made or having effect as if made under such Act.

7. Any interpretation of this scheme shall be in accordance with the Council's wishes that the scheme shall not be construed restrictively.
8. The explanatory note at the beginning of the terms of delegation of each Committee and Sub-Committee is for information only and shall not be construed as part of the terms of reference themselves.
9. In this scheme of delegations the "full Council" means Brighton & Hove City Council sitting as the Council (as opposed to acting through Committees, Sub-Committees or officers) and "Council" means Brighton & Hove City Council as a local authority.

#### **B. General Delegated Powers**

Each Committee or Sub-Committee shall have the following powers and duties in relation to its functions in addition to those set out under each Committee and Sub-Committee's terms of reference:

1. To implement best value in relation to its functions;
2. To approve bids for European and national funding for schemes in relation its functions;
3. To control and manage such resources (finance, IT, property etc.) as may from time to time be assigned to it and to authorise the acquisition or disposal of property (other than land) for the purposes of its functions;
4. To declare land surplus to the requirements of the Committee's area of service. Management and future use of the land will be transferred to the Policy & Resources Committee. Any proposed acquisition or disposal of land not covered by the delegation to officers shall be referred to the Policy & Resources Committee;
5. Subject to the Council's employment policies and procedures, to determine all employment matters within its service area;
6. To be responsible for quality and equalities matters in relation to its functions.

#### **C. General Advisory Powers**

Each Committee and Sub-Committee shall have the following advisory functions:

1. To consider and make recommendations to full Council on matters relating to or affecting the Committee or Sub-Committee's functions, including developing plans and strategies forming part of the policy framework for adoption by full Council, where the power to make decisions is reserved to full Council by law, Standing Orders or this scheme of delegations;



2. To consider and make recommendations to another Committee or Sub-Committee on matters related to or affecting its functions;
3. To consider and make recommendations to any body of the Council where it is considered desirable to do so.

## **TERMS OF REFERENCE OF COMMITTEES**

### **POLICY AND RESOURCES COMMITTEE**

#### Explanatory Note

This Committee has overall responsibility for the financial and other resources of the authority, for developing the authority's strategy and policy based on national government and local priorities, and for the development of partnership working. It also has responsibility for many of the services delivered to residents and customers. Its specific functions are set out in the following paragraphs.

#### **Delegated Functions**

To exercise the functions of the Council as follows:

#### **1. Policy and Strategy**

To formulate, co-ordinate and implement corporate policies and strategies and make decisions relating to such matters to the extent that they are not reserved to full Council.

#### **2. Finance and Other Resources**

- (a) To establish the framework for the allocation, control and management of the Council's resources including finance, assets, IT, land and other property;
- (b) To formulate budget proposals for adoption by the Council;
- (c) To calculate of the Council Tax Base;
- (d) To make decisions or grant authorisations on expenditure in accordance with the requirements of financial standing orders;
- (e) To deal with all financial services, including risk management, insurance and external and internal audit arrangements;

#### **3. Partnerships**

- (a) To set up, develop and review partnerships, including, but not limited to, the Local Strategic Partnership;
- (b) To co-ordinate, develop, adopt and review the Sustainable Community Strategy and make recommendations to full Council.

#### **4. Corporate Parenting**

- (a) To discharge the Council's functions as Corporate Parent for its children in care and care leavers, in conjunction with relevant Council Committees, Partnership Boards and other agencies; and
- (b) To receive reports from the Corporate Parenting Sub-Committee in relation to the Council's looked after children.

#### **5. Adult Learning and Employment**

- (a) To discharge the Council's functions under the arrangements with the Skills Funding Agency and Young People's Learning Agency for the provision of adult education; and
- (b) To discharge the Council's regarding the employment of physically disabled persons and youths, providing that the functions regarding youth employment shall be limited to the management of the existing establishment in Hove.

#### **6. Neighbourhood Renewal**

To discharge the Council's functions in respect of neighbourhood renewal, which include:

- (a) developing and implementing the neighbourhood renewal strategy for the City in order to narrow the gap between the most deprived neighbourhoods and the rest of the City, under the themes set by national Government of: housing, health, liveability, crime, education and employment and
- (b) acting as the accountable body for the neighbourhood renewal fund on behalf of the Local Strategic Partnership.

#### **7. Grants**

To deal with grants to community organisations and non-profit making bodies in the area of the Council providing that this shall not include grants in respect of educational charities which are the responsibility of the Children and Young People Committee.

#### **8. Management of Establishments**

To deal with all matters concerning establishments as are more particularly set out under the scheme of delegation to the Strategic Director of Communities and the Head of Tourism and Leisure.

## **9. Catering Services in Council Establishments**

To deal with all matters in connection with the provision of catering services in Council establishments used primarily by Council employees.

## **10. Best Value**

To establish the framework for the achievement of Best Value by the Council.

## **11. Human Resources**

To establish the framework for human resources policies and procedures and discharge the Council's functions as an employer where this is exercisable by a Committee.

## **12. Property Management**

- (a) To manage land held for the purposes of the functions of the Committee, corporately held property and land declared surplus to the requirements of a Committee or the service area of a Chief Officer by the relevant Committee or Chief Officer.
- (b) To authorise the acquisition or disposal of any land held by the Council providing that any proposal for the transfer of housing land which requires the consent of the Secretary of State shall be referred to full Council with recommendations.

## **13. Appointment to outside bodies**

To appoint representatives to outside bodies between annual Council meetings where the timing is such that it will be more expedient for the appointment to be made by Policy & Resources Committee rather than full Council.

## **14. Public Safety – Civil Contingencies**

To exercise the Council's functions in relation to emergency planning and business continuity, including the Council's functions under the Civil Contingencies Act 2004.

## **15. Community Safety**

To co-ordinate the Council's functions regarding the police and public safety and to take such action as is necessary, including:

- (i) making consultative arrangements under the Police Act 1996;
- (ii) drawing up community safety plans;
- (iii) co-ordinating the Council's functions under the Crime and Disorder Act 1998 including the formulation, with other responsible authorities, of

strategies for reducing crime and disorder and the making of child curfew schemes, providing that this shall not include the adoption of the Crime and Disorder Reduction Strategy

## **16. Communities**

To co-ordinate and lead on the Council's functions in connection with community engagement and voluntary organisations.

## **17. Equalities**

To co-ordinate and lead on the Council's functions in relation to Equalities and Inclusion

## **18. Constitution**

- (a) To receive reports on and monitor the operation of the Constitution;
- (b) To make recommendations to Council or Overview & Scrutiny as Appropriate, with a view to improving the effectiveness, accountability and transparency of the decision-making process.

## **19. Members' Allowances**

To consider the recommendations of the Independent Remuneration Panel and advise Council as appropriate.

## **20. General Powers**

- (a) To discharge all other functions of the Council not specifically delegated to another Committee or reserved to full Council under the law, this scheme of delegation, standing orders or procedure rules;
- (b) To deal with matters referred to the Committee by other Committees or Sub-Committees as having corporate budgetary or policy implications.

## **21. Sub-Committees, Task Groups and Consultation Forums**

To be responsible for the setting up, review and abolition of Joint Committees, Sub-Committees, permanent task groups, consultation forums and commissions.

## **22. Miscellaneous Service Functions**

To exercise the Council's functions in relation to the following services/functions:

- (a) Electoral and ceremonial matters relevant to the Council;
- (b) Matters concerning the Fire Authority;
- (c) Legal services;

- (d) Complaints services;
- (e) Performance management
- (f) Corporate procurement;
- (h) Health and safety at work (in so far as it relates to the Council as an employer);
- (i) Revenues and Benefits, including Housing Benefit and Council Tax Benefit, the administration, collection and enforcement of Council Tax and Non-Domestic Rates;
- (j) Registration of births, deaths, marriages, partnerships and associated functions;
- (k) Local Land Charges;
- (l) Corporate Information and Communication Technology Services;
- (m) Corporate communications
- (n) Democratic services.

## **PERSONNEL APPEALS PANEL**

### **Explanatory Note**

This Panel has the status of a Sub-Committee of Policy & Resources Committee and will deal with appeals against dismissals, grading and other grievances in accordance with agreed personnel procedures.

### **Delegated Functions**

To exercise the functions of the Council in relation to determining appeals against dismissals, grading and other personnel related grievances in accordance with corporate policies and procedures

**[NOTE:** a pool of trained Councillors will be maintained for this Sub-Committee and members of the pool will be called on in the first instance to form an appeals panel. However, any Councillor will be able to sit on an appeals panel and substitute for any designated member of the Sub-Committee.]

## **CORPORATE PARENTING SUB-COMMITTEE**

### **Explanatory Note**

The Corporate Parenting Sub-Committee has the status of a Sub-Committee of the Policy and Resources Committee. It acts as an advisory committee to the Council, its partners and its Committees on matters related to the Council's looked after children. Its role is to ensure that the Council and its partner agencies have a joint commitment to:-

- (a) Achieving improved outcomes for children in care and care leavers;
- (b) Developing and overseeing implementation of the Corporate Parenting Strategy to drive improved outcomes;
- (c) Providing challenge to ensure that the Council's duties as Corporate Parent are carried out effectively and consistently.

### **Delegated Functions**

1. To assist in the development, operation, monitoring and review of the Council's policies and strategies as they affect children in care and care leavers.
2. To develop, monitor and review a Corporate Parenting Strategy and work plan.
3. To promote a co-ordinated and partnership approach to the delivery of Council services as they affect children in care and care leavers and to challenge services where this is not evidenced or effective.
4. To advise the Council and its Committees on issues relevant to children in care and care leavers and to ensure that policies implemented by the Council which affect these children and young people are effective and appropriate.
5. To review and monitor outcomes for looked after children and care leavers, including data from the Corporate Parenting Report Card and feedback from the Standards & Complaints and Quality Assurance Framework officers in respect of children in care and care leavers.
6. To ensure that clear and accessible information is readily available to children in care and care leavers on the corporate parenting they can expect from the council.
7. To ensure that systems are in place which mean that the views of children and young people are represented in the development of services that affect them.
8. To report to the Council's Policy and Resources Committee and Council on a twice yearly basis.
9. To make recommendations to the relevant Committee where responsibility for a particular function rests with that Committee.



10. To appoint non voting Co-opted Members.
11. To ensure arrangements are made for the training and development of Councillors (and others as appropriate) on the Corporate Parenting role.
12. To receive reports on the discharge of the Council's functions regarding the provision of accommodation for looked after children and care leavers, and to make recommendations to the appropriate body of the Council.

## **HOUSING COMMITTEE**

### **Explanatory Note**

This Committee has overall responsibility for the Council's housing functions, including Council housing, homelessness, allocations and standards of housing in the area.

### **Delegated functions**

1. To discharge the Council's functions as a housing authority and, without prejudice to the generality of this paragraph, to discharge the specific functions set out in the following paragraphs.

#### **2. Strategic and Private Sector Housing**

To discharge the Council's functions in relation to:

- (a) The Council's housing strategy;
- (b) Homelessness and the allocation of housing;
- (c) Private sector housing, including taking action to remedy overcrowding, disrepair, unfitness and statutory nuisances; to promote fire safety in private sector housing and the Council's functions in relation to houses in multiple occupation;
- (d) Tenancy relations and the provision of housing advice;
- (e) Housing loans and grants.

#### **3. Housing Landlord Functions**

To discharge the Council's functions as a housing landlord including the management of property within the Housing Revenue Account and associated properties.

#### **4. Housing Related Support Services**

To exercise the Council's functions for the commissioning of housing related support services.

## **HOUSING MANAGEMENT CONSULTATIVE SUB-COMMITTEE**

### **Explanatory Note**

This is a Sub-Committee of the Housing Committee. The Sub-Committee will act in a consultative capacity in the discharge the Council's functions as a housing landlord, including residential leases granted by the Council. The Sub-Committee will include non-voting tenant representatives.

### **Delegated functions**

#### **1. Tenant Consultation**

- (a) To manage and supervise the Council's tenants participation scheme and such other consultation with tenants as may be necessary;
- (b) To consider reports from officers and presentations received through the tenants' consultation scheme, to advise and to make recommendations to the appropriate Committee.

## **CHILDREN AND YOUNG PEOPLE COMMITTEE**

### **Explanatory Note**

This Committee is responsible for education, children's health and social care services, public health relating to children and young people, including services to young people up to the age of 19, and exercises the council's functions as Local Education Authority. Most of these services are delivered jointly with the Health Service and, to reflect this, the Committee is also the Council's Children and Young People's Trust Board for the purposes of the Children Act 2004.

### **Delegated Functions**

To exercise the functions of the Council:

1. as a Local Education Authority under any enactment relating to education, youth services and the employment of children;
2. in relation to educational charities;
3. in partnership arrangements with other bodies connected with the delivery of education;
4. in relation to social services for children and young people;
5. in partnership arrangements with other bodies connected with the delivery of services for children, young people and families;
6. regarding families in connection with the functions of the Committee set out above or where there are no other arrangements made under this scheme of delegation;
7. under or in connection with the children and young people's partnership arrangements made with health bodies pursuant to section 75 of the National Health Service Act 2006 and section 10 of the Children Act 2004 ("the section 75 Agreements");
8. in relation to children's public health including but not limited to:
  - sexual health
  - physical activity, obesity, tobacco control programme
  - prevention and early detection
  - immunisation
  - mental health
  - NHS health check and workplace health programmes
  - dental health
  - social exclusion
  - seasonal mortality;
9. in relation to those aspects of children's public health which transfer to the council under the Health and Social Care Act 2012.

## NOTE

- (a) All the above functions shall be exercised subject to any limitations in the section 75 Agreements.
- (b) Policy issues which are relevant both to this Committee and the Adult Care & Health Committee may be considered by either of those Committees or by the Policy & Resources Committee.

## **ADULT CARE & HEALTH COMMITTEE**

### **Explanatory Note**

This Committee is responsible for adult social services, public health in relation to adults, and joint delivery of a number of social care and health services with the Health Service- see the section below relating to the Joint Commissioning Board which oversees these arrangements.

### **Delegated Functions**

#### **1. Adult Social Services**

- (a) To exercise the social services functions of the Council in respect of adults;
- (b) To exercise all of the powers of the Council in relation to the issue of certificates to blind people; the issue of badges for motor vehicles for disabled people and the grant of assistance to voluntary organisations exercising functions within its area of delegation;
- (c) To exercise the functions of the Council in relation to the removal to suitable premises of persons in need of care and attention.

#### **2. Public Health**

To exercise the Council's functions in respect of public health relating to adults –

- (i) including but not limited to:
  - sexual health
  - physical activity, obesity, and tobacco control programmes
  - prevention and early detection
  - immunisation
  - mental health
  - NHS Healthcheck and workplace health programmes
  - dental public health
  - social exclusion
  - seasonal mortality;
- (ii) which transfer to the Council under the Health and Social Care Act 2012.

#### **3. Partnership with the Health Service**

To exercise the Council's functions under or in connection with the adult services partnership arrangements made with health bodies pursuant to Section 75 of the National Health Service Act 2006 ("the section 75 Agreements").

## **NOTE**

- (a) All the above functions shall be exercised subject to any limitations in the section 75 Agreements.
- (b) Policy issues which are relevant both to this Committee and the Children & Young People Committee may be considered by either of those Committees or by the Policy & Resources Committee.

## **ECONOMIC DEVELOPMENT & CULTURE COMMITTEE**

### **Explanatory Note**

This Committee is responsible for the council's functions relating to planning policy, employment, economic growth and regeneration, culture, tourism and leisure.

### **Delegated Functions**

#### **1 Planning**

To exercise the Council's functions as local planning authority (to the extent that they are not development control functions delegated to the Planning Committee), including the formulation and development of the Development Plan Documents prior to their adoption by Full Council.

#### **2. Economic Growth and Regeneration**

- (a) To exercise the Council's functions and partnerships regarding the promotion of economic growth and the establishment and development of business.
- (b) To promote and develop the economic fundamentals of the City in areas such as adult skills, productivity, development sites etc.

#### **3. Major Built Environment Projects**

- (a) To oversee the progress of major projects (including major building, infrastructure or other projects involving the erection or significant alteration of major permanent structures or landmarks) undertaken by the Council, and advise the Policy & Resources Committee as appropriate.
- (b) To review major projects and any project Boards having regard to capacity to deliver, corporate priorities and resources, and advise the Policy & Resources Committee as appropriate.

#### **4. Conservation and Design**

To exercise the Council's functions in relation to Conservation and Design including the Hove Borough Council Act 1976.

#### **5. Building Control**

To exercise the Council's functions regarding building control.

#### **6. Culture, Arts and Heritage**

To exercise the Council's functions in relation to culture, including arts, entertainment, cultural activities and heritage.



## **7. Tourism & Marketing**

To exercise the Council's functions in relation to tourism, marketing and conferences.

## **8. Libraries and Museums**

To exercise the Council's functions in relation to libraries, museums, art galleries, historic buildings and their gardens and the functions of the Council regarding public records.

## **9. Events**

To exercise the Council's functions in relation to events, including the annual programme of entertainment events (providing that if the relevant Strategic Director, or other officer with delegated powers, is of the view that the event is a major event or has corporate budgetary or policy implications the matter shall be referred to the Policy & Resources Committee).

## **10. Leisure, Sports and Recreation**

To exercise the Council's functions in relation to the provision and management of leisure, sports and recreation facilities.

## **ENVIRONMENT & SUSTAINABILITY COMMITTEE**

### **Explanatory Note**

This Committee is responsible for the council's functions relating to parks and green spaces, Gypsies, Roma and Travellers, waste, coast protection, the seafront, and sustainability

### **Delegated Functions**

#### **1. Parks and Green Spaces**

To exercise the Council's functions in relation to Parks and Open Spaces to the following extent:-

- (a) provision, management and control of parks and open spaces (except those held for housing purposes);
- (b) making countryside management arrangements in liaison with the South Downs National Park Authority and other environmental bodies;
- (c) provision, management and control of allotments and smallholdings;
- (d) as commons registration authority.

#### **2. Environmental Health**

To exercise the Council's functions in relation to environmental health, air pollution control, health and safety at work (except in so far as it relates to the Council as an employer), public conveniences, food safety, control of nuisances, including noise control and control of dogs.

#### **3. Trading Standards**

To exercise the Council's functions regarding trading standards, including but not limited to consumer protection, product safety, fair trading, metrology, food standards and animal health.

#### **4. Gypsies, Roma and Travellers**

To exercise the Council's functions in relation to Gypsies, Roma and Travellers including the management of authorised sites.

#### **5. Waste**

To exercise the Council's functions in relation to waste and as waste collection authority, waste disposal authority and litter authority, including dealing with litter, street cleansing, abandoned vehicles and dog fouling.

## **6. Coast Protection and Flood Defence**

To exercise the Council's functions as a coast protection authority and a lead local flood authority.

## **7. Seafront**

To exercise the Council's functions regarding the esplanade, beach and foreshore.

## **8. Bereavement and Coroner's services;**

To exercise the Council's functions in relation to bereavement services and the Coroner's service.

## **9. Sustainability**

To co-ordinate the Council's role and response to cross-cutting sustainability issues such as reducing carbon emissions, projections of a changing climate locally, improving resource efficiency and developing sustainable energy.

## **TRANSPORT COMMITTEE**

### **Explanatory Note**

This Committee is responsible for the Council's functions relating to highways management, traffic management and transport, parking, and related matters.

### **Delegated Functions**

#### **1. Highways Management**

To exercise the Council's functions in relation to all highways matters and as highway authority, street authority, bridge authority, including but not limited to highways, bridges, private streets and rights of way.

#### **2. Traffic Management and Transport**

- (a) To manage the provision of transport services for service departments including home-school transport and transport for social services;
- (b) To exercise the Council's functions in relation to traffic management and transport and as traffic authority, including but not limited to public passenger transport and the co-ordination of transport for service users;
- (c) To consider and make decisions on proposed traffic orders and rights of way issues where objections have been received and not withdrawn or otherwise resolved;
- (d) To exercise the Council's powers regarding travel concessions.

#### **3. Parking**

To exercise the Council's functions in relation to parking, including on and off street parking and civil parking enforcement.

#### **4. Public Space**

To exercise the council's functions regarding spaces to which the public have rights of access and consisting of the highway, street furniture on the highway and open spaces or parts of open spaces immediately adjacent to the highway to which the public have access.

## **PLANNING COMMITTEE**

### **Explanatory Note**

This Committee exercises the Council's functions in relation to development control matters.

### **Delegated functions**

1. To consider and determine applications for planning permission, listed building consent, and conservation area consent submitted under the Town and Country Planning Acts.
2. To consider and determine applications for the display of advertisements Submitted under the Town and Country Planning (Control of Advertisements) (England) Regulations.
3. To determine whether prior approval applications for the construction, installation, alteration or replacement of telecommunications masts submitted under Part 24 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 should be granted or refused.
4. To exercise any other function of the Council under the Planning Acts whether as a local planning authority or otherwise which may be referred to it by the Strategic Director of Place or the Head of Planning & Public Protection.

**[NOTE:** The Council may approve a restricted pool of Councillors to serve as members or Substitute members of the Committee, all of whom have undergone basic training and continue to undergo the mandatory training for such members. The mandatory training will take place at least twice a year. Where such a pool has been approved, any meeting of the Committee must comprise only Councillors from the pool; no substitution by non-pool Councillors will be allowed.]

## **LICENSING COMMITTEE**

### **Explanatory Note**

The Licensing Committee is responsible for discharging the Council's functions under the Licensing Act 2003. It also has responsibility for all licensing and registration functions not covered by the Licensing Act 2003. The day to day decisions on individual applications are dealt with by the Licensing Panel.

### **Delegated Functions**

#### **1. Licensing Act 2003**

- (a) To discharge all functions which, under the Act, stand referred to a Licensing Committee, including, but not limited to the following:
  - (i) Applications for a personal licences;
  - (ii) Applications for premises licence/club premises certificate;
  - (iii) Applications for provisional statement;
  - (iv) Applications for Interim Authorities.
- (b) The powers of the Committee under 1(a) shall include the power to deal with all applicants for the grant, renewal, variation or revocation of any licence or consent or any actions which a Licensing Committee is required or authorised to take under the Act.
- (c) The delegated powers of the Committee shall not include the adoption or review of the Statement of Licensing Policy (which are functions of Full Council).

#### **2. Gambling Act 2005**

- (a) To discharge all functions which, under the Gambling Act 2005 ('the Act'), stand referred to the Licensing Committee, including but not limited to the following:
  - (i) applications for premises licences;
  - (ii) applications for provisional statements;
  - (iii) applications for club gaming / club machine permits.
- (b) The powers of the Committee under 2(a) shall include the power to deal with all applications for the grant, renewal, variation, cancellation or revocation of any licence or consent or any actions which a Licensing Committee is required or authorised to take under the Act.
- (c) The powers of the Committee shall also include the power to set fees pursuant to section 212 of the Act, but shall not include the power to adopt or review the Licensing Policy, which is a function of Full Council.

### **3. Other Licensing and Registration Functions**

- (a) To discharge all the Council's functions regarding licensing and registration and any associated or connected functions.

#### **Referred Functions**

1. To advise Full Council regarding the Statement of Licensing Policy under the Gambling Act 2005.
2. To advise Full Council regarding the Statement of Licensing Policy under the Licensing Act 2003
3. To advise the Council and other Committees on matters related to functions under the Licensing Act 2003 and the Gambling Act 2005, but are not themselves Licensing Act or Gambling Act functions.

**NOTE:** The Licensing Committee and the Licensing Panel may operate as two separate committees and sub-committees respectively with identical membership. The functions of the two separate committees/sub-committees shall relate to Licensing Act and Gambling Act functions and non-Licensing Act functions respectively.

## **LICENSING PANEL**

### **Explanatory Note**

The Licensing Panel is a Sub-Committee of the Licensing Committee. Its functions are to:-

- Hear applications under the Licensing Act 2003 and the Gambling Act 2005 where the matter is authorised or required to be dealt with by a Committee. These are usually, but not necessarily, cases where officers do not have delegated powers or a hearing is required;
- Deal with appeals against licensing and registration decisions and cases where officers do not have the power to make determinations;
- Serve as the appellate Committee where there is a right of appeal from a decision of an officer and no other arrangements have been made under the constitution; and
- Determine any other matter of a quasi-judicial nature which may be referred to it.

### **Delegated functions**

#### **1. Licensing Act Functions**

- (a) To deal with applications under the Licensing Act 2003 and make determinations on all matters required or authorised by the Act to be dealt with by a Committee.
- (b) The powers under (a) above shall not include the adoption of the Statement of Licensing Policy.
- (c) Where, in the opinion of the Strategic Director of Place or Head of Planning & Public Protection, after consultation with the Chair of the Licensing Committee, an application is a major application having regard to the licensing objectives, the Strategic Director or Head of Service may refer the matter to the Licensing Committee.

#### **2. Gambling Act 2005 Functions**

- (a) To deal with applications under the Gambling Act 2005 and make determinations on all matters required or authorised by the Act to be dealt with by a Committee.
- (b) The powers under (a) above shall not include the adoption of the Statement of Licensing Policy.
- (c) Where, in the opinion of the Strategic Director of Place or Head of Planning & Public Protection, after consultation with the Chair of the Licensing Committee, an application is a major application having regard to the licensing objectives, the Strategic Director or Head of Service may refer the matter to the Licensing Committee.



### **3. Other Licensing and Registration Functions**

Within the policy framework set by the Council or the Licensing Committee, to exercise the Council's functions in relation to licensing and registration providing that the power shall not include the adoption, revocation or amendments of policies.

### **4. Determinations and Appeals**

To hear and determine cases

- (a) where there is a right (under the Human Rights Act 1998 or otherwise) to be given the opportunity to appear before and be heard by a Committee or Sub-Committee of the Council and no other arrangements have been made under the Council's constitution, or
- (b) where the case is referred to the Panel as it is considered to be a suitable forum for the determination of matters of fact and/or law, for example determinations relating to rights of way or the Council's definitive map of rights of way.

### **5. General**

For the avoidance of doubt and without prejudice to the generality of 1 to 3 above, the powers of the Panel under those provisions shall include the power to deal with all applications for the grant, renewal, variation or revocation of any licence or consent or any actions (other than the adoption or review of a Licensing Policy) which a Licensing Committee is required or authorised to take under the Licensing Act 2003 or the Gambling Act 2005

- NOTE:
- (1) Only Councillors who are members of the Licensing Committee may serve as members or substitute members of the Licensing Panel.
  - (2) The Licensing Committee and the Licensing Panel may operate as two separate committees and sub-committees respectively with identical membership. The functions of the two separate committees/sub-committees shall relate to Licensing Act and Gambling Act functions and non-Licensing Act functions respectively.

## **AUDIT & STANDARDS COMMITTEE**

### **Explanatory Note**

The Audit functions of this Committee relate to the Council's arrangements for the discharge of its powers and duties in connection with financial governance and stewardship, risk management and audit. The Committee makes recommendations to the Council, Policy & Resources Committee, Officers or other relevant body within the Council.

The Standards functions of this Committee seek to ensure that the Members, Co-opted Members and Officers of the Council observe high ethical standards in performing their duties. These functions include advising the Council on its Codes of Conduct and administering related complaints and dispensation procedures.

In addition to the Councillors who serve on the Audit and Standards Committee, the Committee includes at least two independent persons who are not Councillors. They are appointed under Chapter 7 of the Localism Act, or otherwise co-opted, and act in an advisory capacity with no voting powers.

In the terms of reference of this Committee a "Member" is an elected Councillor and a "Co-opted Member" is a person co-opted by the Council, for example to advise or assist a Committee or Sub-Committee of the Council.

### **General Audit and Standards Delegated Functions**

To review such parts of the constitution as may be referred to the Committee by the Policy and Resources Committee and to make recommendations to the Policy Resources Committee and the Council.

To appoint, co-opt or (in any case where only the Council has power) to recommend the appointment or co-option of a minimum of two independent persons

- to give general assistance to the Committee in the exercise of its functions; and
- to give views on allegations of failure to comply with a Code of Conduct as required by Chapter 7 of the Localism Act.

To have an overview of

- the Council's whistleblowing policy
- complaints handling and Local Ombudsman investigations

To deal with any audit or ethical standards issues which may arise in relation to partnership working, joint committees and other local authorities or bodies.

To ensure arrangements are made for the training and development of Members, Co-opted Members and Officers on audit, ethical and probity matters, including Code of Conduct issues

To support and advise the Chief Finance Officer and the Monitoring Officer in their statutory roles.

## **Delegated Audit Functions**

To carry out independent scrutiny and examination of the Council's financial and non-financial processes, procedures and practices to the extent that they affect the Council's control environment and exposure to risk, with a view to providing assurance on the adequacy and effectiveness of:

- the work of internal and external audit;
- the governance arrangements of the council and its services;
- the risk management and performance management frameworks and the associated control environment;
- the financial management process;
- arrangements for the prevention and detection of fraud and corruption

To meet the requirements of the Accounts and Audit Regulations Act 2011 in respect of:

- conducting an annual review of the effectiveness of the system of internal control;
- conducting an annual review of the effectiveness of internal audit;
- reviewing the outcome of annual review of governance arrangements and approving the Annual Governance Statement, ensuring it contains any actions for improvement; and
- considering and approving the Council's annual Statement of Accounts.

To consider the External Auditor's Annual Audit and Inspection Plan, Annual Governance Report, Annual Audit Letter and other relevant reports.

Consider and agree the Internal Strategy and Annual Audit Plan, Head of Audit & Business Risk's Annual Internal Audit Report including Opinion, periodic progress reports and other relevant internal audit reports.

To consider and agree the Head of Audit & Business Risk's Annual Fraud & Corruption Report and consider and approve the Council's Counter Fraud Strategy

## **Delegated Standards Functions**

To advise the Council on the adoption, revision or replacement of Codes of Conduct for (a) Members and Co-opted Members and (b) Officers;

To exercise all other functions of the Council in relation to ethical standards, in particular those under Chapter 7 of the Localism Act, including the following:-

- promoting and maintaining high standards of conduct within the Council and monitoring the operations of the Council's Codes of Conduct and registers of interests;
- in relation to allegations that a Member or Co-opted Member has failed to comply with the Code of Conduct, putting in place arrangements to investigate and make decisions;

- supporting the Monitoring Officer in the exercise of that Officer's ethical standards functions, in particular the duty to establish & maintain registers of interests for the Council and for Rottingdean Parish Council;
- in relation to Members or Co-opted Members with pecuniary interests, putting in place arrangements to grant dispensations, in appropriate cases, from the restrictions on speaking and/or voting.

**NOTE:** With the exception of the adoption, revision or replacement of the Codes of Conduct referred to above, the Audit and Standards Committee may develop and adopt its own procedures and protocols.

## **STANDARDS PANEL**

### **Explanatory Note**

The Panel of the Audit and Standards Committee is a Sub-Committee and its main roles are to carry out any functions delegated to it by the Audit and Standards Committee in relation to (a) allegations that Members or Co-opted Members have breached the Code of Conduct and (b) the granting of dispensations to Members or Co-opted Members with pecuniary interests.

Panel membership is determined in accordance with procedures approved by the Audit and Standards Committee.

### **Delegated Functions**

In accordance with procedures approved by the Audit and Standards Committee:-

1. To carry out any arrangements delegated to the Panel by the Audit and Standards Committee in connection with investigating and making decisions on allegations that a Member or Co-opted Member has failed to comply with the Code of Conduct.
2. To hear and determine applications from Members or Co-Opted Members with pecuniary interests and in appropriate cases to grant dispensations from the restrictions on speaking and/or voting at meetings of the Council, its committees, sub-committees, joint committees or joint sub-committees.
3. To discharge any of other functions of the Audit and Standards Committee which the Committee delegates to the Panel.

## **TERMS OF REFERENCE OF PARTNERSHIP BOARDS**

### **THE JOINT COMMISSIONING BOARD**

#### **Explanatory Note**

The Joint Commissioning Board oversees a partnership between the Council and the health bodies which is responsible for commissioning, providing and overseeing a number of adult health and social care services. The partnership is governed by an Agreement between the Council and Brighton & Hove Primary Care Trust under Section 75 of the National Health Service Act 2006 ('the Section 75 Agreement'), covering the delegation of functions and pooling of budgets for services.

The Joint Commissioning Board is the top decision making body for the partnership, with delegated powers to make decisions concerning the commissioning and provision of services on behalf of the parties to the Section 75 Agreement. It is also the senior forum for the discussion of policy and strategy across the partnership as a whole, and is thus responsible for setting the strategic direction for these services.

All the decision-making powers of the Council in relation to the Section 75 Agreement will be exercised by the Adult Care & Health Committee.

#### **Delegated Functions**

To exercise the Council's functions under or in connection with the adult social care and health services partnership arrangements made with health bodies pursuant to Section 75 of the National Health Service Act 2006, in the manner and to the extent that the arrangements permit the Joint Commissioning Board to exercise the functions.

**[NOTE:** fuller details of the governance arrangements relating to the adult social care and health partnership overseen by the Joint Commissioning Board are set out in the Section 75 Agreement.]

## **HEALTH & WELLBEING BOARD**

### **Explanatory Note**

This Board is established as a shadow board in anticipation of the Health and Social Care Act 2012 coming into force. The Health and Wellbeing Board (“the H&W Board”) in its shadow form is responsible for advising the Council, the Sussex Primary Care Trust Board (“SPCT Board”) and the Clinical Commissioning Group (“CC Group”) on work to improve the health and wellbeing of the population of Brighton & Hove through the development of improved and integrated health and social care services. In particular it will be responsible for preparing a Joint Health and Wellbeing Strategy and a Joint Strategic Needs Assessment. The H&W Board’s procedures are similar to those of Council Committees, with modifications to reflect its purpose, composition and shadow status.

The H&W Board comprises 7 Councillors and 7 further members determined having regard to the requirements of the Health and Social Care Act 2012.

### **Delegated Functions**

1. To carry out its functions in shadow form until the requirements of the Health and Social Care Act 2012 comes into force (anticipated date 1 April 2013) when the Board will become a fully functioning Committee of the Council.
2. To lead and act as an advisory body to the Council, the SPCT Board and the emerging CC Group on work to improve the health and wellbeing of the people of Brighton & Hove, through the development of improved and integrated health and social care services.
3. In support of the foregoing, to advise the Council, the SPCT Board and the CC Group in relation to the following matters:-
  - (a) Providing city-wide strategic leadership to public health, health and adults and children’s social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts;
  - (b) Making ready for its future role of preparing and publishing the Joint Strategic Needs Assessment (JSN Assessment) for the City;
  - (c) Preparing and publishing a Joint Health & Wellbeing Strategy (JHW Strategy), monitoring the outcomes goals set out in the JHW Strategy and using its authority to ensure that the public health, health and adults and children’s commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the City;
  - (d) Receiving the annual CC Group’s commissioning plan for comment.

- (e) Supporting joint commissioning and pooled budget arrangements where agreed by the H&W Board that this is appropriate;
- (f) Promoting integration and joint working in health and social care across the locality;
- (g) Establishing and maintaining a dialogue with the Council's Local Strategic Partnership Board, including consulting on its proposed strategies and reporting on outcomes in line with the City's Performance and Risk Management Framework.
- (h) Involving stakeholders, users and the public in quality of life issues and health and wellbeing choices, by
  - communicating and explaining the JHW Strategy;
  - developing and implementing a Communications and Engagement Strategy;
- (i) Representing Brighton & Hove on health and wellbeing issues at all levels, influencing and negotiating on behalf of the members of the Board and working closely with the LINKs/local HealthWatch;
- (j) Ensuring robust arrangements are in place for a smooth transition into the statutory H&W Board by April 2013.



## OVERVIEW AND SCRUTINY COMMITTEES

### Explanatory Note

The terms of reference for the following Committees and Panels

- Overview & Scrutiny Commission
- Health & Wellbeing Overview & Scrutiny Committee
- Scrutiny Review Panels
- Policy Review Panels

are set out in **Part 5** of the Constitution: Terms of Reference and Procedure Rules for Overview & Scrutiny.

## **TERMS OF REFERENCE OF JOINT COMMITTEES**

### **POLICE AND CRIME PANEL**

#### **Explanatory Note**

This Panel is a statutory Joint Committee of Sussex Authorities, responsible for scrutinising the work of the elected Police and Crime Commissioner for Sussex (PCC). Whilst the Panel is there to challenge the PCC, it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions.

The Council appoints one of its Councillors to the Panel. The Panel comprises 15 Councillor (one from each of the 15 Sussex local authorities) and 2 statutory co-optees who must not be Councillors. With the consent of the Secretary of State, the Panel may appoint up to 3 additional co-optees as the total membership of the Panel must not exceed 20.

The Panel is in the process of being constituted by West Sussex County Council (acting as lead authority) and will be operational no later than October 2012 in time for the election of the PCC in November 2012.

#### **Functions (summarised from the Police Reform and Social Responsibility Act 2011)**

To exercise the following functions:-

- a. \*The duty to review the PCC's draft Police & Crime Plan and to report / make recommendations to the PCC.
- b. \*The duty to review the PCC's Annual Report at a public meeting, which the PCC must attend, and to report / make recommendations to the PCC.
- c. \*The duty to review, hold confirmation hearings and report / make recommendations to the PCC on the proposed appointment of PCC's Chief Executive, Chief Finance Officer and Deputy PCC.
- d. \*The duty to review and report / make recommendations on the PCC's proposed precept, which includes a power of veto by a two-thirds majority of the total Panel membership.
- e. The duty to review, hold confirmation hearings and report / make recommendations to the PCC on the proposed appointment by the PCC of a Chief Constable, which includes a power of veto by a two-thirds majority of the total Panel membership.
- f. The duty to scrutinise and make recommendations to the PCC on any proposal by PCC to call for the retirement or resignation of the Chief Constable, including a power to ask Her Majesty's Inspector's of Constabulary for a professional view.

- g. The power to suspend the PCC if charged with an offence carrying a maximum prison term exceeding 2 years.
- h. The duty to appoint an acting PCC where the PCC vacates the post, is incapacitated, or has been suspended.
- i. The duty to operate an informal complaints resolution procedure for complaints about a PCC, except serious complaints matters which must be passed to the Independent Police Complaints Commission.
- j. A general duty to review or scrutinise other decisions / actions of the PCC and make reports / recommendations to the PCC.
- k. The power to require relevant reports and information in the PCC's possession (except those which are operationally sensitive) to enable the Panel to fulfil its statutory obligations.
- l. The power to require the PCC to attend the Panel to answer questions.
- m. The power to delegate any of its functions (except designated "special functions" marked \* above) to such sub-committee(s) as it thinks fit.

## **TERMS OF REFERENCE FOR ADVISORY GROUPS AND FORUMS**

### **ARTS AND CREATIVE INDUSTRIES COMMISSION**

#### **Purpose**

- 1.1 The purpose of the Commission is to support, promote and develop the arts and creative industries in Brighton & Hove.

#### **Objectives and Terms of Reference**

- 2.1 To improve the profile and economic potential of the City's artists and creative organisations.
- 2.2 To oversee policy development in the area of arts and creative industries and contribute to other relevant policy development in the City.
- 2.3 To inform and act as a resource for the Council representing the City's cultural sector.
- 2.4 To promote innovative thinking, best practice and joint working in the sector.
- 2.5 To represent and advocate for the City's arts and creative industries sector in a regional or national capacity as required.

#### **Reporting**

- 3.1 The Commission has a place on the Local Strategic Partnership and responsibilities delegated from that Partnership.
- 3.2 The Commission reports to the Economic Development and Culture Committees on an annual basis.
- 3.3 The Commission operates in an advisory capacity and does not have decision-making powers.

#### **Membership**

- 4.1 The Commission consists of up to 30 members including representatives from across the arts and creative industries, business, tourism, heritage, education sectors and the local authority appointed by the Executive Sub Group of the Commission which has responsibility for membership.
- 4.2 The Chair of the Commission is appointed by the Chief Executive after consultation with the Leaders of the political groups in the Council.
- 4.3 Six of the members of the Commission are Councillors appointed by the Council.

- 4.4 The membership of the commission is reviewed annually by the Executive Sub Group of the Commission.

**Review**

- 5.1 The work of the Commission will be reviewed annually by the Economic Development and Culture Committee.

## CITY SUSTAINABILITY PARTNERSHIP

### 1. Purpose

The City Sustainability Partnership is an independent strategic body working to promote the sustainable development of Brighton & Hove, in particular to reduce the City's ecological footprint from the equivalent of three and a half planets per person towards one. Its role is to:-

- develop a positive vision of Brighton & Hove as a sustainable City;
- act as the sustainability arm of the Brighton & Hove Strategic Partnership and the Public Services Board to develop the importance of sustainability within the City Performance Plan;
- design and implement practical work programmes with partners that deliver progress towards this aim;
- promote the alignment of City development plans and policies with this aim.

It works closely with the other policy partnerships to ensure that sustainability is applied consistently across the family of thematic partnerships.

### 2. Objectives and Terms of Reference

- 2.1 To oversee the implementation of the One Planet Framework in order to reduce the impact of the City's ecological footprint from the equivalent of 3.5 planets per person to one by 2050.
- 2.2 To oversee a City Climate Change Strategy that delivers both significant reductions in greenhouse gas emissions and prepares the City for severe weather impacts of a changing climate locally; and to work with the Brighton & Hove Strategic Partnership to incorporate the key objectives of the Climate Change Strategy into City partners' work.
- 2.3 To draw together appropriate indicators in a State of the Local Environment (SOLE) Report and identify gaps to ensure that environmental sustainability is measured locally in a meaningful way.
- 2.4 To monitor and evaluate City sustainability performance in line with the priorities and targets within the City's Sustainable Community Strategy, and to report back annually and advise or direct changes in relevant policies and practices of stakeholders to improve this:  
<http://www.bandhsp.co.uk/index.cfm?request=b1158724>
- 2.5 To progress the work to secure a UNESCO Biosphere Reserve for Brighton & Hove and the surrounding area in partnership with stakeholders.  
<http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/biosphere-reserves/>
- 2.6 To champion the priorities locally of the national Sustainable Development Strategy: Securing the Future:

- Sustainable consumption and production (achieving more with less, considering the impact of products and materials across a whole life cycle)
- Climate change and energy (the urgent need to reduce CO2 emissions and adapt to the impacts of climate change)
- Natural resource protection and environmental enhancement
- Sustainable communities (using engagement and partnership to reduce poverty and environmental degradation).

“We want to achieve our goals of living within environmental limits and a just society, and we will do it by means of a sustainable economy, good governance, and sound science.” Securing the Future

<http://www.defra.gov.uk/publications/files/pb10589-securing-the-future-050307.pdf>

- 2.7 To develop ambitious sustainability programmes in line with the Sustainable Community Strategy with the City council’s Sustainability Team and City stakeholders that deliver common objectives across the City; and promote joint working, sharing good practice and innovation across the community and the voluntary, business and public service sectors.

### 3. Reporting

- 3.1 The Partnership reports to the Brighton & Hove Strategic Partnership and, in relation to its input to Council policy and performance, to the Environment and Sustainability Committee.
- 3.2 The Partnership also reports to other bodies or Council Committees as appropriate.

### 4. Membership and Rules

- 4.1 This is representative and drawn from sectors, with statutory agency support, as follows:-
- **Public services** - 4 City Councillors (currently 2 Green, 1 Conservative, 1 Labour & Co-op), NHS Sussex Trust, Public Health, the Universities of Sussex and Brighton, Eco-schools.
  - **Business** - Business Community Partnership, Economic Partnership, Chamber of Commerce, Sustainable Energy Working Group
  - **Community and voluntary sector** - Community & Voluntary Sector Forum – Environment Network (3 places), Food Partnership, Brighton & Hove Wildlife Forum, Waste Advisory Group
  - **Agencies** - Environment Agency, South Downs National Park Authority
- 4.2. The Rules of the City Sustainability Partnership (CSP) are as follows:-
- The partnership will meet about 6 times per year. Meetings are public and comments are welcome from non-members.

- The partnership will hold an annual meeting at which elections for Chair and up to two Vice-Chairs will be held.
- These Terms of Reference will be reconsidered at the annual meeting to ensure they are still current and relevant to CSP work.
- Decisions should be reached by consensus or by one member, one vote if necessary.
- Sub-groups and working groups can be set up and people co-opted onto these at the agreement of the membership.
- All reports and papers presented at CSP meetings will be published on the partnership's web pages as will the minutes from each meeting.
- Non-attendance at three consecutive meetings will instigate a process by which membership is re-evaluated. If agreement is not reached with the member organisation, a replacement representative organisation will be appointed;
- An induction will be provided for new members to inform them of the priorities and procedures of the CSP and help introduce them to the partnership and the City's family of partnerships.
- Partners can nominate a substitute to attend meetings in their place if they are unavailable.

## **5. Review**

- 5.1 Participation by the Council in the Partnership is subject to review by the full Council, through the Policy and Resources Committee.



## **INDEPENDENT REMUNERATION PANEL**

### **1. Purpose**

- 1.1 The principal duties of the statutory Independent Remuneration Panel (“the Panel”), are (a) to advise the Council on its scheme of allowances to be paid to Councillors (“Members”) and co-optees to the Council and (b) to advise Rottingdean Parish Council on its scheme of allowances for Parish Council members.

### **2. Objectives and Terms of Reference**

- 2.1 The functions of the Panel are as set out in Regulation 21 of the Local Authorities (Members’ Allowances) (England) Regulations 2003, namely to produce a report in relation to Members of the Council making recommendations:
- (a) as to the amount of basic allowance which should be payable to Members;
  - (b) as to the duties in respect of which such Members should receive a special responsibility allowance and as to the amount of such allowance;
  - (c) as to whether the allowance scheme should include allowances in respect of the expenses of arranging for the care of children or dependants of such Members and the amount of such allowances;
  - (d) as to the responsibilities or duties in respect of which a travel and subsistence allowance should be available;
  - (e) as to the responsibilities or duties in respect of which a co-optees’ allowance should be available;
  - (f) as to whether payment of allowances may be backdated in accordance with regulation 10(6) in the event of the scheme being amended at any time;
  - (g) as to whether adjustments to the level of allowances may be determined according to an index and, if so, which index and how long that index should apply;
  - (h) as to which Members of an authority are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972;
  - (i) as to treating basic allowance or special responsibility allowance, or both, as amounts in respect of which such pensions are payable;

- (j) as to whether any allowances to Members should be withheld in the event of the Member concerned being suspended or partially suspended.

2.2 Where the Independent Remuneration Panel exercises its functions in relation to the Parish Council within the authority's area, its functions are as set out in Regulation 28 of the Local Authorities (Members' Allowances) (England) Regulations 2003, namely to produce a report in relation to members of the Parish Council making recommendations:

- (a) as to the amount of parish basic allowance which should be payable to Parish Council members;
- (b) the amount of travelling and subsistence allowance payable to members of such authorities;
- (c) as to whether parish basic allowance should be payable only to the chair of the Parish Council or to all of its members;
- (d) as to whether, if parish basic allowance should be payable to both the chair and the other members of any such authority, the allowance payable to the chair should be set at a level higher than that payable to the other members and, if so, the higher amount so payable;
- (e) as to the responsibilities or duties in respect of which members should receive parish travelling and subsistence allowance.

2.3 In addition to the functions under 2.1 and 2.2 above, the Panel may, if requested to do so by the Monitoring Officer, consider the expenses allowances paid to the Mayor and Deputy Mayor under Sections 3 and 5 of the Local Government Act 1972.

### **3. Reporting**

3.1 The Panel reports through Policy and Resources Committee to the full Council.

### **4. Membership**

4.1 The Panel consists of between three and five members, appointed by the Monitoring Officer after consultation with the Chief Executive. Any person who is a Councillor, or otherwise a co-optee of the Council, or is disqualified from being a Councillor is not eligible for appointment.

4.2 Members of the Panel are appointed for an initial term of three years. The Council may, at its discretion, extend this period. The Council or the member of the Panel may determine the appointment by giving one month's notice.

4.3 The Panel is chaired by a person appointed by the Panel from its members.

- 4.4 The Panel meets on such dates and at such times as the Panel may determine, having regard to the advice from the Monitoring Officer.
- 4.5 The quorum for meetings of the Panel is at least 50% of the members of the Panel.

**5. Review**

- 5.1 The arrangements for the Panel are principally statutory, but otherwise are subject to review by the full Council, through the Policy and Resources Committee.

## **COMMUNITY SAFETY FORUM**

### **1. Purpose**

- 1.1 The Community Safety Forum (“the Forum”) brings together local agencies with the aims of reducing crime and disorder and improving safety and quality of life in Brighton & Hove.

### **2. Objectives and Terms of Reference**

- 2.1 The purpose of the Forum includes the following functions:-

- Providing a place where key voluntary, independent and statutory agencies who play a significant role in the City in reducing crime and disorder and improving safety and quality of life, can work together, and develop their shared expertise and good practice;
- Involving Councillors in that process and ensuring that key decisions which affect the Council as a whole are referred to the Policy and Resources Committee or other appropriate Committee for consideration;
- Enabling consultation between residents, the Police Authority and police and overseeing consultation arrangements which are required to take place every three years to develop the priorities for inclusion within the Community Safety and Crime Reduction Strategy;
- Profiling the work of the Crime and Disorder Reduction Partnership in order to assist in reducing crime and fear of crime.

- 2.2 The Forum also has these terms of reference:-

1. To be the forum for the Crime and Disorder Reduction Partnership and enable the constituent members to jointly develop best practice to reduce crime and disorder and improve community and public safety in accordance with the Crime and Disorder Act 1998;
2. To support constituent members in their delivery of initiatives to reduce crime and improve community safety;
3. To fulfil the requirements for consultation in relation to matters to and from the Police Authority for the purposes of section 96 of the Police Act 1996.
4. To receive reports from the Police Authority, in particular the reports of their regular meetings and subject specific meetings;
5. To receive reports from the meetings of the Fire Authority for the purposes of information and to enable discussion and feedback on those items which affect the partners in the Forum and the Crime and Disorder Reduction Partnership;

6. To receive and consider the Crime and Disorder Audit (every three years) and to make recommendations on its findings for the purpose of identifying priorities for action;
7. To oversee consultation arrangements with local communities and communities of interest, with a view to being satisfied that consultation is inclusive, enables wide participation and that community priorities are reflected in the identification of priorities within (a) the Community Safety and Crime Reduction Strategies and (b) work programmes of the Crime and Disorder Reduction Partnership. To agree the detailed arrangements with the Police Authority;
8. To approve the crime and safety priorities identified for action in the three year Strategy and the action plans which set out the work which will be implemented over the three years to achieve those priorities;
9. To regularly receive information about the implementation and progress of the Community Safety and Crime Reduction Strategy;
10. To contribute to the development of the Youth Justice Plan and to receive reports from the Youth Offending Team about the delivery of the Plan and progress against national and local performance measures;
11. To make recommendations to the Policy and Resources Committee, in relation to matters that require council decisions and where there are links with other strategic priorities of the Council;
12. To have regard to any protocol agreed by Full Council as to the working arrangements between the Forum and the overview and scrutiny committee that is designated the Council's statutory Crime and Disorder Committee;
13. To publicise the work of the Forum and of the Crime and Disorder Reduction Partnership in order to help reduce crime and fear of crime and improve safety.

### **3. Reporting**

- 3.1 The Forum reports principally to the Council's Policy and Resources Committee.
- 3.2 The Forum may also report to other bodies or Council Committees as appropriate.
- 3.3 The Forum operates in an advisory capacity and does not have decision-making powers.

#### **4. Membership**

- 4.1 Membership of the Forum is determined by the Policy & Resources Committee following advice from the Overview & Scrutiny Commission and is drawn from the Council, the police and the local community.
- 4.2 The places allocated to Councillors on the Forum include (a) the Chair of Policy and Resources Committee and (b) the Chair of the overview and scrutiny committee which is designated as the Council's statutory Crime & Disorder Committee.
- 4.3 The Forum is chaired by a Councillor.

#### **5. Review**

- 5.1 The work of the Forum is subject to review by the Policy and Resources Committee.

## **CITY SPORTS FORUM**

### **1. Purpose**

1.1 The purpose of the Brighton & Hove City Sports Forum (“the Forum”) is:

1. to represent the wide and diverse voice of sport within the City;
2. to consider annually the outcome and success of the Strategy against its agreed Action Plan;
3. to promote the City’s sporting needs and interests in Brighton & Hove, regionally and nationally;
4. to advise the Council on developments within Sport and active recreation.

### **2. Objectives and Terms of Reference**

2.1 The objectives and terms of reference of the Forum are:-

1. To take an overview of delivery of the Sports Strategy for Brighton & Hove.
2. To provide support for partnership working across all providers of sport and active participation.
3. To ensure examples of good practice are shared and the benefits extended to other sports and sport providers.
4. To identify and establish where appropriate short-term ‘project groups’ to focus on Government and Sport England initiatives that would benefit sport in Brighton & Hove, subject to the agreement of the Head of Tourism & Leisure.
5. To ensure that the sporting community of Brighton & Hove and the City of Brighton & Hove maximises the opportunities created by the 2012 London Olympics and Para-Olympics.
6. To advise the Economic Development & Culture Committee on sports related matters from time to time.

### **3. Reporting**

3.1 The Forum reports principally to the Council's Economic Development & Culture Committee Committee.

3.2 The Forum may also report to other bodies or Council Committees as appropriate.

## **4. Membership**

4.1 Invitations to the Sports Forum are to be extended to 40 representatives by the Head of Tourism & Leisure after consultation with the Economic Development & Culture Committee, from across the following groups:

- 4 Councillors
- Voluntary Sports Sector
- Public and private providers of sport and active recreation
- County and regional sports organisations
- Education, skills training, health and community safety

Sports with large numbers of playing teams or affiliated clubs will be represented through their relevant league, district or county association.

4.2 The Forum is to be supported by officers from across the Tourism & Leisure and City Infrastructure Delivery Units:-  
Head of Tourism & Leisure  
Head of City Infrastructure  
Commissioner, Sports & Leisure  
Sport & Physical Activity Manager  
Members of the Sports Development Team and Active for Life project.

Additional support from colleagues across the Council is identified as appropriate.

4.3 The Chair of the Forum for the first 12 months is the Chief Executive of the Council and thereafter is appointed annually by the Chief Executive following nomination by the Forum. No person is to hold the Chair for more than 3 consecutive years.

4.4 The membership of the Forum is subject to review by the Policy and Resources Committee.

## **5. Review**

5.1 The work of the Forum is subject to bi-annual review by the Policy and Resources Committee.



## **CONSERVATION ADVISORY GROUP**

### **1. Purpose**

- 1.1 The purpose of the Conservation Advisory Group (“the Group”) is generally to act as a reference group to advise the Council on the implementation of the Conservation Strategy, on major planning applications or Council proposals affecting Conservation areas, Listed Buildings and on the development of policies for the protection of the historic built environment.

### **2. Objectives and Terms of Reference**

- 2.1 To promote the objectives of conservation and to facilitate communication between the public and the Council on matters of conservation, historic buildings and archaeology.
- 2.2 To encourage the conservation and improvement of conservation areas, buildings of architectural or historic interest, other areas of historical interest and areas of archaeological interest within the City.
- 2.3 To submit to the Council suggestions for action which will preserve or enhance the character or appearance of Conservation Areas within Brighton and Hove and to encourage societies and individuals voluntarily to enhance their local environment.
- 2.4 To act as a source of advice on major planning applications and other proposals, including traffic calming or pedestrianisation proposals, that could affect the character of conservation areas, buildings of architectural or historic interest or historic parks and gardens.
- 2.5 To assist in the development and formulation of policies to enhance and protect conservation areas and buildings of architectural or historic interest in Brighton & Hove.
- 2.6 To report unauthorised work and conditions of planning permissions that have not been complied with.

### **3. Reporting**

- 3.1 The Group principally reports to the Planning Committee. However, the interests of the Group are relevant to a range of Council activities and other Committees may request reports from the Group, when there is a need for input from a conservation perspective.
- 3.2 The minutes of the meeting record an agreed form of words that is reported as the comment of the Group. So far as is practical the Chair approves the minutes within 5 working days of the meeting or the production of the minutes.

## **4. Membership**

### **4.1 Considerations for appointment to the Group:**

- (a) The Group aims for a broad, locally based membership, to ensure that the Council is able to effectively disseminate and collect local conservation information;
- (b) The Group's criteria in relation to local groups and societies, are for membership to be drawn from representative organisations only, which are open to all residents or traders in an area without any selection criteria. Each organisation should hold regular meetings and an annual meeting at which officers of the organisation are democratically elected. Member groups or societies should (i) submit an annual report and the minutes of their AGM, (ii) have as one of their stated or implied aims the conservation of the historic fabric or archaeological interest of their area and (iii) as far as possible represent the whole (or a large proportion) of one of the designated conservation areas of Brighton and Hove;
- (c) Membership is open to English Heritage;
- (d) Membership is open to representatives of Sussex Enterprise or other business or commercial organisations in Brighton and Hove (particularly those that have a significant presence in historic areas);
- (e) Membership is open to nominees from the national amenity societies (such as the National Trust, Victorian Society or Society for the Preservation of Ancient Buildings (SPAB));
- (f) Membership is open to nominees of the Royal Institute of British Architects (RIBA) the Royal Institute of Chartered Surveyors (RICS), the Institute of Historic Building Conservation (IHBC) the Royal Institute of Structural Engineers and the Royal Town Planning Institute (RTPI).

### **4.2 Other constitutional matters**

- (a) The Group is entirely advisory and does not have executive powers;
- (b) The secretariat of the Group is provided by the Council;
- (c) Agendas are produced by officers of the Council in consultation with the Chair;
- (d) The Chair is elected from the membership annually;
- (e) There is an Annual Meeting of the Group in May of each year at which the Chair and Vice Chair are elected;
- (f) The Group may establish sub-groups as required;

- (g) The Group shall advise the Council on nominations for new members of the Group;
- (h) Any sub-groups, nominee (or substitute) representing the Group at Council meetings shall be elected by a vote at a full meeting of the Group;
- (i) The membership of the Group is subject to review by the Council's Policy and Resources Committee.

## **5 Review**

- 5.1 The terms of reference of the Group are subject to review by the Policy and Resources Committee.

## **HOUSING AREA PANELS (X 4)**

### **1. Purpose**

1.1 The role of each of the Council's four Housing Area Panels is to advise the Council in its landlord role as local housing authority, with particular attention to anything affecting the area concerned.

### **2. Objectives and Terms of Reference**

2.1 To consider reports relating to the Council's role as landlord, including performance, services, budgets, major repairs programme development and delivery, policy issues and service development, within the boundaries of the Area Panel and to make recommendations to the Housing Management Consultative Sub-Committee.

### **3. Reporting**

3.1 The Panels usually report to the Housing Management Consultative Sub-Committee, but if necessary their reports may be referred directly to the Housing Committee.

### **4. Membership**

4.1 Each Panel comprises all ward councillors within the boundaries of the Panel, together with tenant and resident association representatives.

### **5. Review**

5.1 The terms of reference of the Panels are subject to review by the Policy and Resources Committee.

## **JOINT STAFF CONSULTATIVE FORUM**

### **1. Purpose**

1.1 The Joint Staff Consultative Forum (“the Forum”) facilitates dialogue between the Council as employer and the Council’s employees.

### **2. Objectives and Terms of Reference**

2.1 The role of the Forum is to provide a mechanism for regular communication and consultation (a) in support of the Council’s approach to working in partnership with its recognised trade unions and professional associations and (b) to maintain a healthy employee relations climate.

### **3. Reporting**

3.1 Matters raised may become the subject of reports to Committee as appropriate.

### **4. Membership**

4.1 The Forum comprises 6 Councillors and employee representatives.

### **5. Review**

5.1 The terms of reference of the Forum are subject to review by the Policy and Resources Committee.

## **PART 5 - OVERVIEW AND SCRUTINY TERMS OF REFERENCE AND PROCEDURE RULES**

### **1. The number and arrangements for Overview and Scrutiny Committees**

- 1.1 The Council will appoint an Overview and Scrutiny Committee and a Health & Wellbeing Overview and Scrutiny Committee.
- 1.2 The Overview and Scrutiny Committee will primarily be a commissioning body, co-ordinating the Overview and Scrutiny work programme through the establishment of time limited Scrutiny Review and Policy Review Panels. The Overview and Scrutiny Committee will also undertake limited direct scrutiny of services relating to Place, Communities, Resources and Finance.
- 1.3 The Health & Wellbeing Overview and Scrutiny Committee will perform the overview and scrutiny function in relation to the health service pursuant to the National Health Service Act 2006 and associated Regulations. It will also have a remit to scrutinise social care and education issues relating to both adults and children.

### **2. Terms of Reference of Committees**

#### **2.1 Overview and Scrutiny Committee**

- 2.1.1 To co-ordinate the work of Overview and Scrutiny as set out under “Functions” below.
- 2.1.2 To be the designated Crime and Disorder Committee as required under the Police and Justice Act 2006.
- 2.1.3 To undertake the scrutiny of flood and coastal erosion plans as required by the Localism Act 2011.
- 2.1.4 To review and scrutinise matters, decisions and service provision relating to the following Council functions and services:-
  - Resources and Finance;
  - Place;
  - Communities.

(The full list of functions under each area is set out in Part 6 of this Constitution under the Scheme of Officer Delegations).

- 2.1.5 To commission time-limited ‘task and finish style’ Scrutiny Review Panels and Policy Review Panels to:
  - Scrutinise specific issues of concern (Section 4 below)
  - Undertake policy review and development work (Section 5 below)

2.1.6 To review and scrutinise any other Council function not otherwise addressed by any other Overview and Scrutiny Committee.

## **2.2 The Health and Wellbeing Overview and Scrutiny Committee**

2.2.1 To exercise powers with regard to the scrutiny of health services pursuant to the National Health Service Act 2006 and in particular:-

- To scrutinise matters relating to the health of the Authority's population and contribute to the development of policy and service to improve health and reduce health inequalities;
- To scrutinise matters relating to public health;
- To undertake all the statutory functions of the health scrutiny committee in accordance with the National Health Service Act 2006;
- To review and scrutinise the impact of the Authority's own services and of key partnerships on the health of its population;
- To encourage the Council as a whole to take into account the implications of their policies and activities on health and health inequalities;
- To make reports and recommendations to the National Health Service, the Council, the committees and sub-committees, and to other relevant bodies and individuals;
- To monitor and review the outcomes of its recommendations.

In all of the above, to liaise with other bodies that represent patients' views in order to seek and take account of the views of the local populations

2.2.2 To perform the Overview and Scrutiny function in relation to all matters, decisions and service provision connecting to Adult Social Care.

2.2.3 To perform the Overview and Scrutiny function in relation to all matters, decisions and service provision connecting to Children and Young People and in particular:

- the provision, planning and management of children's social services
- the provision, planning and management of education
- the health of the authority's children and young people, including contribution to the development of policy and service to improve health and reduce health inequalities, all in accordance with the principles of section 244 National Health Services Act 2006
- all of the functions of the Council as an education authority

2.2.4 To establish time-limited Scrutiny Review and Policy Review Panels in relation to its to terms of reference to:

- Scrutinise specific issues (Section 4)
- Undertake policy development work for council committees (Section 5)

### **3. Functions of Overview and Scrutiny Committees**

#### **3.1 The Overview and Scrutiny Committee and the Health and Wellbeing Overview and Scrutiny Committee will:**

- a) Approve an overview and scrutiny work programme, to ensure that there is efficient use of scrutiny resources and that the potential for duplication of effort is minimised;
- b) Receive requests from Councillors and partner organisations, and suggestions from officers of the council, for particular topics to be scrutinised and determine the appropriate action;
- c) Receive requests for particular pieces of policy work to be undertaken and determine the appropriate action;
- d) Have the power to call-in and review policy committee decisions, or key decisions made by an officer with delegated authority, as set out in the procedures in these Rules;
- e) Undertake initial explorations on requests/proposals for panel reviews and recommend appropriate action;
- f) Receive proposals for the appointment of task-orientated, time limited scrutiny and policy review panels to review in-depth, investigate and report on a particular topic;
- g) Co-ordinate training and development arrangements for Overview and Scrutiny Committee members and co-optees;
- h) Identify good practice in relation to the overview and scrutiny role and develop common practices for all committees that reflect good practice;
- i) Have responsibility for the development and co-ordination of the overview and scrutiny of partnerships and external bodies;
- j) Establish and maintain constructive working relationships with the Policy Committees;
- k) Help ensure positive working relationships with partnerships and external bodies;
- l) Monitor and review the outcomes of its recommendations.
- m) Promote the work of scrutiny, including through the local media;
- n) Receive internal and external inspection reports on the services and challenge the action plans drawn up in response to problems that have been identified; monitor progress in implementing the action plans;



- o) Ensure that the communities of Brighton & Hove and specific users of services are able to be involved in and inform the work of the committees;

#### **4. Scrutiny Review Panels**

- 4.1 The Overview and Scrutiny Committee and the Health & Wellbeing Overview and Scrutiny Committee may appoint Scrutiny Review Panels to carry out short, sharply focused pieces of scrutiny work. Scrutiny Review Panels investigate areas of concern and the available options. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.
- 4.2 Scrutiny Review Panels will not have Sub-Committee status and the political balance rules in section 15 of the Local Government and Housing Act 1989 will not apply, but they will normally be established on a cross-party basis.
- 4.3 Membership of the Scrutiny Review Panels will be sought from the political groups, taking into account the expertise and experience of available Members, and that no Member may be involved in scrutinising a decision in which he/she has been involved.
- 4.4 There should not normally be provision for substitute Members to attend meetings of Scrutiny Review Panels.
- 4.5 The Overview and Scrutiny Committee and the Health and Wellbeing Overview and Scrutiny Committee shall ensure that the number of Scrutiny Review Panels which it appoints does not exceed the capacity of the Member and Officer resources available to support their work.
- 4.6 In considering whether or not any matter should be agreed for a Scrutiny Review Panel, the Overview and Scrutiny Committees will have regard to:
  - The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
  - Whether there is evidence that the decision-making rules in the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council;
  - The potential benefits of a review especially in terms of possible improvements to future procedures and/or the quality of Council services;
  - What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Member, the complaints procedure, enquiry to the Chief Executive or Chief Officer, Council question etc.);

- The proposed overview and scrutiny approach (a brief synopsis) and resources required, resources available and the need to ensure that the Overview and Scrutiny process as a whole is not overloaded by requests;
- The resources available to support the work as set out at paragraph 4.5 above.

## **5. Policy Review Panels**

- 5.1 The Overview and Scrutiny Committee and the Health and Wellbeing Overview and Scrutiny Committee may appoint Policy Review Panels to carry out short, sharply focused pieces of policy development work.
- 5.2 Policy Review Panels undertake in-depth policy review and development work. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.
- 5.3 Policy Review Panels will not have Sub-Committee status and the political balance rules in section 15 of the Local Government and Housing Act 1989 will not apply, but they will normally be established on a cross-party basis.
- 5.4 Membership of the Policy Panels will be sought from the political groups, initially from the membership of the parent policy committee, taking into account the expertise and experience of available Members.
- 5.5 There should not normally be provision for substitute Members to attend meetings of Policy Review Panels.
- 5.6 Each Overview and Scrutiny Committee shall ensure that the number of Policy Review Panels which it appoints does not exceed the capacity of the Member and Officer resources available to support their work.
- 5.7 In considering whether or not any matter should be agreed for a Policy Review Panel, the Overview and Scrutiny Committees will have regard to:
- The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
  - The potential benefits of a review especially in terms of possible improvements to future policies and procedures and/or the quality of Council services;
  - The proposed overview and scrutiny approach (a brief synopsis) and resources required, resources available and the need to ensure that the Overview and Scrutiny process as a whole is not overloaded by requests;
  - The resources available to support the work as set out at paragraph 5.6 above.

## **6. Membership of Overview and Scrutiny Committees and Panels**

- 6.1 Any Councillor may sit on an overview and scrutiny committee or panel. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.
- 6.2 The membership of the overview and scrutiny committees will reflect the political composition of the Council and be subject to section 15 of the Local Government and Housing Act 1989.

## **7. Co-optees**

- 7.2 The Health & Wellbeing Overview and Scrutiny Committee will include non voting co-opted members from the Older People's Council, the Youth Council and LINK/Healthwatch. It may also appoint voting Education Representatives where these are required by legislation.
- 7.3 The Overview and Scrutiny Committees may agree the appointment of non voting co-optees for each Policy or Scrutiny Review Panel. In appointing co-opted Members to review panels, regard will be given to both the expertise of the individual and the representative nature of the position.

## **8. Meetings of the Overview and Scrutiny Committees**

- 8.1 The Overview and Scrutiny Committee will meet on a quarterly basis. The Health & Wellbeing Overview and Scrutiny Committee will meet six times per annum. In addition, an extraordinary meeting may be called by the Chair or the Chief Executive at any time if they consider it necessary or desirable.
- 8.2 Scrutiny Review and Policy Review Panels shall meet as many times as necessary to successfully carry out their investigations, they shall however be time limited in nature.

## **9. Quorum**

- 9.1 The quorum for overview and scrutiny meetings shall be as set out for committees and sub-committees in the Council Procedure Rules in Part 3 of this Constitution.

## **10. Chairs of Overview and Scrutiny Committees/Panels**

- 10.1 The Council will appoint the Chair of Overview and Scrutiny Committees. The Chair of the Health & Wellbeing Overview and Scrutiny Committee shall also be a member of the Overview and Scrutiny Committee.
- 10.2 Each Overview and Scrutiny Committee will appoint the Chair of Scrutiny Review and Policy Review Panels it establishes.

- 10.3 If the Overview and Scrutiny Committee fails to appoint a Chair the Review Panel will make the appointment at its first meeting.
- 10.4 The Chair of the Overview and Scrutiny Committee shall be the lead scrutiny Member.

## **11. Work programme**

- 11.1 The Overview and Scrutiny Committee will be responsible for setting its own work programme.
- 11.2 The Health & Welbeing Overview and Scrutiny Committee will be responsible for setting its own work programme.
- 11.3 The Chairs of the Scrutiny Committees will meet periodically on an informal basis to plan and co-ordinate the process of scrutiny.

## **12. Agenda items**

- 12.1 Agenda items shall be set by the Committee identifying issues which they wish to consider.
- 12.2 Any Member of the Council may notify the Head of Scrutiny that s/he wishes an item relevant to its functions to be included on the agenda for the next available meeting.

## **14. Submission of reports from Overview and Scrutiny**

- 14.1 Once it has formed recommendations on any matter, an Overview and Scrutiny Committee will prepare a formal report and submit it to the Chief Executive of the Council or relevant organisation for consideration at the relevant decision-making body.
- 14.2 If an Overview and Scrutiny Committee cannot agree on one single final report then up to one minority report may be prepared and submitted for consideration by the Policy Committee meeting with the majority report.
- 14.3 The Policy Committee shall consider the report within eight weeks of it being submitted to the Chief Executive or at its next scheduled meeting, whichever is the later, and shall prepare a response to the recommendations detailing whether each recommendation is agreed or not agreed.
- 14.4 The Chair of the Policy or Scrutiny Review Panel or relevant Overview and Scrutiny Committee shall be invited to the Committee meeting at which the report is considered.
- 14.5 For Scrutiny and Policy Review Panel reports, the report, together with the Policy Committee response, shall be reported to full Council for information.

## **15. Annual report**

- 15.1 The Overview and Scrutiny Committee will report annually to full Council on the work of scrutiny and make recommendations for future work programmes and amended working methods if appropriate.

## **16 Distribution of reports by the Overview and Scrutiny Committee when exercising the functions of the Crime and Disorder Committee**

- 16.1 Where the Crime and Disorder Committee makes a report or recommendations to the Council with respect to the discharge by the responsible authorities\* of their crime and disorder functions, it shall provide a copy to –
- (a) each of the responsible authorities, and
  - (b) each of the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under the relevant legislation.

[\* ‘Responsible authorities’ are defined in the relevant legislation.]

- 16.2 Where the Crime and Disorder Committee makes a report or recommendation to the Council with respect to any local crime and disorder matter referred to it by a Member, it must –
- (a) provide a copy of the report or recommendations to that Member, and
  - (b) provide a copy of the report or recommendations to such of –
    - (i) the responsible authorities, and
    - (ii) the co-operating persons and bodiesas it thinks appropriate.

## **17. Councillor Call for Action**

- 17.1 The “Councillor Call for Action” (CCfA) as set out in Section 119 of the Local Government and Public Involvement in Health Act 2007 and amended by the Localism Act 2011 enables any member of the council to refer to an overview and scrutiny committee any local issue which directly affects their ward.
- 17.2 The CCfA is an additional means for Councillors, as community leaders, to raise issues of local community concern, for consideration by the Council’s overview and scrutiny function, on behalf of residents.
- 17.3 A CCfA should only be raised where other means of resolving the matter have been exhausted. Any Member of the Council may raise a CCfA, which should be sent to the Head of Scrutiny. In seeking to raise a CCfA a Councillor needs to:
- State why they consider the issue should be looked at by the Overview and Scrutiny Committee;
  - Give a brief synopsis of what the main areas of concern are;
  - Supply evidence in support of the CCfA;
  - Indicate areas or groups affected by the CCfA;
  - Summarise mediation and attempts at resolution undertaken;
  - Indicate deadlines associated with the CCfA of which the Overview and Scrutiny Committee needs to be aware.

- 17.4 Upon receipt of a CCfA, the relevant Overview and Scrutiny Committee will use the following criteria to decide whether or not to take the matter further:
- Is the committee satisfied that all reasonable attempts have been made to resolve the issue by the ward councillor? Do the responses received by the referring councillor demonstrate that the matter is not being progressed?
  - Has the committee considered a similar issue recently – if yes, have the circumstances or evidence changed?
  - Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing.
  - Relevant time pressures on resolving the CCfA should be taken into account.
  - Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the councillor received?
  - Does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring member's ward?
  - Is the matter an excluded matter, as set out in paragraph 16.12 of these rules?
- 17.5 In considering the CCfA, the Overview and Scrutiny Committee will invite the relevant Members and officers to discuss the issue with the Overview and Scrutiny Committee and answer any questions, if the committee considers this relevant.
- 17.6 If the committee decides not to accept the CCfA referral it must inform the Councillor and provide reasons. If the committee decides to accept the CCfA referral, it must decide how it intends to take the matter forward and include the CCfA in its work programme.
- 17.7 Overview and Scrutiny Committees in considering a CCfA may undertake any of the activities as outlined in the Overview and Scrutiny Procedure Rules.
- 17.8 The power to refer a matter is available only where the matter is of direct concern to the ward which the Councillor represents. A Councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for Councillors in multi-member wards to agree – any of them may refer a matter.
- 17.9 It is important to recognise that CCfA is not guaranteed to solve a given problem. CCfA can provide a method for discussing such problems and, through discussion, trying to overcome them.
- 17.10 The following matters are excluded from referral as a CCfA:
- Individual complaints concerning personal grievances or commercial issues.

- Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:
  - Planning and licensing applications and appeals;
  - Council Tax/Housing Benefits complaints and queries;
  - Issues currently under dispute in a court of law.
- Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of an Overview and Scrutiny Committee or any of its Panels.

## **18. Call-in**

- 18.1 Call-in is a process by which Overview and Scrutiny Committees can recommend that a decision made by a Policy Committee but not yet implemented be reconsidered by the body which made the decision, or recommend that the full Council consider whether that body should reconsider the decision.
- 18.2 Call-in does not provide for the Overview and Scrutiny Committee or the full Council to substitute its own decision, but merely to refer the matter back to the decision-maker. A decision maker can only be asked to reconsider any particular decision once.
- 18.3 Call-in should only be used in very exceptional circumstances – for example where Members have evidence that a decision was not taken in accordance with Article 11 of the constitution. Day to day management and operational decisions taken by officers may not be called-in.
- 18.4 Any decision made by Policy Committee, or a key decision made by an officer under delegated powers shall be published by means of a notice at the main offices of the Council and where possible by electronic means, normally within 2 working days of being made. All Members will be sent, if possible by electronic means, copies of all such decision notices at the time of publication.
- 18.5 Any decision made by the Policy Committee, or a key decision made by an officer under delegated powers may be called in up to five working days from the date of the meeting at which the decision was taken.
- 18.6 During this period, any five Members of the Council, from a minimum of two political groups may request that a decision be called-in for Scrutiny by the relevant Overview and Scrutiny Committee.
- 18.7 Such a request shall be made in writing to the Chief Executive and shall include the reason(s) for the request and any alternative decision proposed. The Chief Executive may refuse to accept a request which in his/her opinion is frivolous, vexatious or defamatory, or where no reason is given.
- 18.8 If the Chief Executive accepts the request he/she shall call-in the decision. This shall have the effect of suspending the decision coming in force and the Chief Executive shall inform the decision maker e.g. Committee Members, or

officer and the relevant Chief Officer(s) of the call-in. The Chief Executive shall then call a meeting of the relevant Overview and Scrutiny Committee as appropriate to scrutinise the decision, where possible after consultation with the relevant Chair, and in any case within 7 working days of accepting the call-in request, unless a meeting of the appropriate Committee is already scheduled to take place within this period.

- 18.9 In deciding whether or not to refer a decision back, the relevant Overview and Scrutiny Committee shall have regard to:
- any further information which may have become available since the decision was made
  - the implications of any delay; and
  - whether reconsideration is likely to result in a different decision.
  - The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities,
  - Whether there is evidence that the decision-making rules in the constitution have been breached;
  - that the agreed consultation processes have not been followed;
  - or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council;
  - What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Member, the complaints procedure, enquiry to the Chief Executive or Chief Officer, Council question etc.)
- 18.10 If, having scrutinised the decision, the relevant Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns. If it considers the decision is contrary to the policy framework or budget agreed by the Council, the matter may be referred to the full Council to determine whether or not it should be referred back to the decision making body.
- 18.11 If the relevant Overview and Scrutiny Committee does not meet within 7 working days of the Chief Executive accepting a call-in request, or does meet but does not refer the matter back to the decision making body or to the Council, the decision shall take effect on the date of the Overview and Scrutiny meeting, or the expiry of the period of 7 working days from the call-in request being accepted, whichever is the earlier.
- 18.12 If the decision is referred back to the decision making body, that body shall then reconsider, either at its next programmed meeting or at a special meeting called for the purpose, whether to amend the decision or not before reaching a final decision and implementing it.
- 18.13 If the relevant Overview and Scrutiny Committee refers the matter to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the



Council will refer any decision to which it objects back to the decision making body, together with the Council's views on the decision. In this case the decision making body shall consider, either at its next programmed meeting or at a special meeting convened for the purpose, whether to amend the decision or not before reaching a final decision and implementing it.

- 18.14 If the Council does not meet within two weeks of the matter being referred to it, or if it does meet but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of that two week period, whichever is the earlier.

## **19. Call-in and urgency**

- 19.1 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state if in the opinion of the decision making body the decision is an urgent one and subject to the agreement of the Chief Executive, or in his/her absence the officer acting for him, such a decision shall not be subject to call-in.
- 19.2 The Chief Executive or the Officer acting on his/her behalf shall consult the leaders of the Political Groups before agreeing to the exemption. Any decision to which the call-in process does not apply for reasons of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 19.3 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to the Overview and Scrutiny Committee with proposals for review if necessary.

## **20. Call In and Joint Committees**

- 20.1 The principle of call in applies to decisions made by Joint Committees on which the Council is represented. The detailed arrangements relating to call in of Joint Committee decisions shall be agreed between the constituent authorities and included in the Constitution of the Joint Committee.

## **21. Matters excluded from Scrutiny**

- 21.1 Overview and Scrutiny Committees should not normally scrutinise individual decisions made in respect of development control, licensing, registration, consents and other permissions. In particular they are not an alternative to normal appeals procedures. However, they may make reports and recommendations on such functions as part of wider scrutiny reviews.
- 21.2 The scrutiny process is not appropriate for issues involving individual complaints or cases, or for which a separate process already exists e.g. personnel/disciplinary matters, ethical matters or allegations of fraud.

## **PART 7.1 ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

These rules apply to all meetings of the Council, its Committees Sub-Committees and (subject to the Overview and Scrutiny Procedure Rules) public meetings of Scrutiny Review Panels and Policy Review Panels (together called “meetings”). They summarise the public’s rights to attend meetings and to inspect and copy documents, full particulars of which are contained in Part VA of the Local Government Act 1972.

### **2. ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in this constitution or the law.

### **3 RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings subject only to the exceptions in these rules.

### **4. NOTICES OF MEETING**

The Council will give at least five clear working days’ notice of any of its meetings by posting details of the meeting at Brighton Town Hall and Hove Town Hall. Where meetings are called at short notice for reasons of urgency, notice of the meetings shall be given as soon as practicable.

### **5. ACCESS TO AGENDA AND REPORTS BEFORE AND AT THE MEETING**

The Council will make copies of the agenda and all reports which do not contain confidential or exempt information available for public inspection at a designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item is added to the agenda. Where a report which does not contain confidential or exempt information is issued after the agenda has been sent out, the designated officer shall make such report available to the public as soon as the report is completed and sent to Councillors. The Council will make a reasonable number of copies of the agenda and of reports which do not contain confidential or exempt information available for use of members of the public present at the meeting.

### **6. SUPPLY OF COPIES**

The Council will supply copies of:

- (a) any agenda and any reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

- (c) if the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

## **7. ACCESS TO MINUTES ETC AFTER THE MEETING**

The Council will make available for public inspection copies of the following for six years after a meeting:

- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

Also the Council will (subject to copyright of any person other than the Council) supply copies or extracts of any of the above on payment of such reasonable copying fee as may be required.

## **8. BACKGROUND PAPERS**

### **8.1 List of background papers**

The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report

but do not include published works or those which disclose exempt or confidential information (as defined in Rule 9).

### **8.2 Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers and (subject to copyright of any person other than the Council) supply a copy or an extract on payment of such reasonable copying fee as may be required.

**9. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

**9.1 Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information (defined at Rule 9.3 below) would be disclosed.

**9.2 Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information (defined at Rule 9.4 below) would be disclosed.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Schedule 1 Part 1 Article 6 of the Human Rights Act 1998 (“Right to a Fair Trial”) may be applicable. In such cases there is a presumption that the relevant part of the meeting will be held in public unless a partial or completely private hearing is deemed necessary for one of the reasons specified in Article 6. These reasons include cases where exclusion of the public is considered to be required in the interests of juveniles or for the protection of the private life of the parties.

**9.3 Meaning of confidential information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information the public disclosure of which is prohibited by or under any enactment or by the order of a Court.

**9.4 Meaning of exempt information**

Exempt information means information falling within the following 7 categories in column 1 below (subject to any qualifications in column 2 below):

Category	Qualifications
1. Information relating to any individual.	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

<p>2. Information which is likely to reveal the identity of any individual.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p> <p>This includes contemplated as well as past or current activities.</p>	<p>Information within paragraph 3 is not exempt by virtue of paragraph 3 if it is required to be</p> <p>(a) registered under any one of the following:- the Companies Acts (as defined in section 2 of the Companies Act 2006), the Friendly Societies Acts of 1974 or 1992, the Industrial and Provident Societies Acts 1965 to 1978, or the Charities Act 2011 or</p> <p>(b) recorded in the public file of any building society under the Building Societies Act 1986.</p> <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the Council or a Minister of the Crown and employees of, or officer-holders under the Council.</p> <p>Labour relations matter means—(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

<p>Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act) or (b) any dispute about a matter falling within paragraph (a).</p>	
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>6. Information which reveals that the authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>The information may be treated as exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 9, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication". Also, where any report is excluded from the public on the basis that it contains exempt (rather than confidential) information, the report will be marked with the category of exempt information likely to be disclosed.

## **11. DISORDERLY CONDUCT ETC**

The public's rights of admission to meetings set out in the Rules above are subject to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

## **12. AUDIT AND STANDARDS COMMITTEES AND STANDARDS HEARING PANELS**

Where a meeting of the Audit and Standards Committee, or a Hearing Panel of the Audit and Standards Committee, is convened to consider certain specific types of reference from an Ethical Standards Officer under the provisions of the Local Government Act 2000, there are three further categories of exempt information to be added (without any qualifications) to the 7 categories in Rule 9.4 above. These are:-

7A. Information which is subject to any obligation of confidentiality;

7B. Information which relates in any way to matters concerning national security and

7C. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3) or 64(2) of that Act.

[Note:- A new standards regime is being introduced and the provisions of the Local Government Act 2000 relating to standards are due to be repealed. It is likely that paragraphs 7A, 7B and 7C will cease to apply from 30 June 2012.]

## **13. THE COUNCIL'S COMMITTEE WORK PROGRAMME**

### **13.1 Contents of the Work Programme**

The Work Programme will be produced on an ongoing basis to cover all forthcoming Committee and Sub-Committee decisions. It will be updated monthly.

The Work Programme will contain matters which are believed will be the subject of decisions made at Committee meetings. Key decisions will be distinguished from other decisions. A "key decision" for the purposes of these rules is as defined in Article 11.03(b) of this Constitution.

## **13.2 Publication of the Work Programme**

The Work Programme will be published on the Council's website.

## **13.3 Exempt & Confidential Information**

Exempt information need not be included in the Work Programme and confidential information cannot be included.

## **14. REPORT TO COUNCIL**

### **14.1 When an overview and scrutiny committee can require a report**

If an overview and scrutiny committee thinks that a key decision has been taken which was not included in the Work Programme the committee may require the submission of a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee when so requested by (the chair or any 3 members). Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

### **14.2 Reports to Council**

Where, in accordance with Rule 14.1, an overview & scrutiny committee require the submission of a report to the Council, the Committee or Sub-Committee will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 10 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Committee or Sub-Committee is of the opinion that it was not a key decision the reasons for that opinion.

## **15. RECORD OF DECISIONS**

After any meeting of a Committee or Sub-Committee, whether held in public or private, the proper officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, any conflicts of interest declared and any dispensation granted by the Audit and Standards Committee.

## **16. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS**

### **16.1 Rights to copies**

Subject to Rule 16.2 below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of Committees or Sub-Committees and which contains material relating to any



business transacted at a public or private meeting of the Committee or Sub-Committee

## **16.2 Limit on rights**

An overview and scrutiny committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise (any such exempt or confidential information to be treated as such); or
- (c) the advice of a political adviser or assistant (if any).

## **17. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **17.1 Material relating to previous business**

All Members will be entitled to inspect any document which is in the possession or under the control of the Council and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or
- (b) it contains the advice of a political adviser or assistant.

Subject to the advice of the Monitoring Officer, Members may in certain circumstances be able to inspect a wider range of documents on a confidential basis if it is shown to be necessary to carry out their role as Councillors.

Further guidance on Members' access to information is contained in the protocol for Member-Officer Relations.

### **17.2 Nature of rights**

These rights of a Member are additional to any other right he/she may have under the law.

## **PART 7.2 - BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

### **1. The framework for decision-making**

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 5. Once a budget or a policy framework is in place, it will be the responsibility of the Committees to implement it.

### **2. Process for developing the budget and policy framework**

Each year the Policy and Resources Committee will agree a programme for establishing the budget and policy framework for the following year. This programme will include provision for the Council to consider the recommendations of the relevant Committee(s) in respect of the content of the plans and strategies that make up the policy framework.

### **3. In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by Committees or officers with delegated authority must be in line with it. However, in approving the policy and budgetary framework, the Council may specify the extent of virement within the budget (in accordance with the Financial Standing Orders and Regulations at Part 7 of this Constitution) and degree of in-year changes to the policy framework which may be undertaken by Committees. In approving any plan or strategy forming part of the policy framework the Council will consider whether or not to delegate the power to amend, modify or vary that plan or strategy. Any other changes to the policy and budgetary framework are reserved to the Council.

## **PART 7.5 OFFICER EMPLOYMENT PROCEDURE RULES**

### **1. Introduction**

- 1.1 These rules are intended to give effect to the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 and will form the standing orders prescribed therein regarding employment matters.

### **2. Interpretation**

- 2.1 For the purposes of these Officer Employment Procedure Rules the following words shall have the following meanings-

"Head of Paid Service" means the Chief Executive of the Council

"Chief Officer" means, subject to the following provisions the Strategic Directors of-

- Communities
- People
- Place
- Resources

and the Director of Finance.

"Deputy Chief Officer" means, a Lead Commissioner, Head of a Delivery Unit or Head of a Resource or a Finance Unit

### **3. Recruitment and appointment – general**

#### **3.1 Declarations**

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or an officer of the Council; or of the partner of such persons; or have a personal friendship with a Member of the Council
- (b) No candidate so related to a Member or an officer or a personal friend of a Member will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.

#### **3.2 Seeking support for appointment.**

- (a) Subject to paragraph (c) below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment as an officer with the Council. The content of this paragraph will be included in any recruitment information.

- (b) Subject to paragraph (c) below, no Member will seek support for any person for any appointment as an officer with the Council.
- (c) Nothing in paragraphs (a) and (b) above will preclude a Member from giving written reference for a candidate for submission with an application for appointment

#### **4. Recruitment of Head of Paid Service, Chief Officers and Deputy Chief Officers**

4.1 Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will:

- (a) draw up a statement specifying:
  - (i) the duties of the officer concerned; and
  - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

#### **5. Appointment of Head of Paid Service**

5.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or Sub-Committee of the Council.

#### **6. Appointment of Chief Officers and Deputy Chief Officers, the Monitoring Officer and the Chief Finance Officer; and administrative arrangements**

6.1 A Committee or Sub-Committee of the Council will appoint Chief Officers, Deputy Chief Officers, the Monitoring Officer and the Chief Finance Officer providing that the Chief Executive (in relation to Chief Officers or Heads of Delivery Units) or the relevant Strategic Director (in relation to Lead Commissioners, Heads of Resource Units or Finance Units as appropriate) may appoint such officers where the appointment is on an Acting basis or where the appointment is of a candidate recommended by a selection panel consisting of Members.

6.2 Whenever a Panel is convened in accordance with paragraph 6.1 above, it shall be constituted as follows:

- The Panel shall consist of 6 Members appointed to reflect the political composition of the Council providing all the Groups in the Council are represented.
- The Strategic Director of Resources shall appoint Members of the Panel in accordance with the wishes of the relevant Group/Convenor.
- The Panel shall be chaired by a member of the Group with the largest number of seats in the Council.
- The Panel shall endeavour to reach a decision by consensus. If there is no consensus, the matter shall be put to a vote. If there is an equality of votes, the Chair shall have a casting vote.
- The Strategic Director of Resources is authorised to take all steps necessary or incidental to supporting this appointments process

## **7. Statement of Pay Policy**

7.1 A statement on the Council's pay policy will be published annually.

## **8. Remuneration of Senior Officers**

8.1 The Chief Executive may consult the Panel set up under paragraph 6.2 above in connection with the remuneration of Chief Officers as defined in section 43 of the Localism Act 2011 and in connection with the statement of pay policy under section 38 of the Localism Act 2011.

## **9. Other Appointments**

9.1 **Officers below Deputy Chief Officer.** Appointment of officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his or her nominee, and may not be made by Members.

9.2 **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group if such an appointment is made.

## **10. Disciplinary Action - Head of Paid Service, Monitoring Officer and Chief Finance Officer**

10.1 **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

10.2 **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.

**11. Disciplinary Action - Chief Officers and Deputy Chief Officers**

11.1 A Committee or Sub-Committee of the Council may hear an appeal against disciplinary action or dismissal of a Chief Officer or a Deputy Chief Officer in accordance with the Council's disciplinary procedure rules.

**12. Disciplinary Action - Other Officers**

12.1 Members will not be involved in the disciplinary action against any officer below Deputy Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disability, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of disciplinary action against officers.

**13. Dismissal**

13.1 Members will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disability, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of dismissal of officers.

## **PART 8.10 PETITIONS SCHEME**

### **How to petition the council – Petitions Scheme**

#### **Petitions**

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. You can send us a paper petition and/or set up an e-petition online.

#### **How to submit a petition**

Petitions submitted to the council must include -

- a clear and concise statement covering the subject of the petition;
- what action the petitioners wish the council to take;
- the name, address and contact details of the petition organiser so that we can contact them to explain how we will respond to the petition;\*
- the name, address and signature of any person supporting the petition.

Petitions can be signed by any person of any age who lives, works or studies in Brighton & Hove or who uses services provided by Brighton & Hove City Council.

Petitions must relate to what the council does or relate to an improvement in the economic, social or environmental well-being of the area covered by Brighton & Hove City Council to which any of our partner authorities<sup>1</sup> could contribute.

\* The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

#### **Where to send a petition**

**Paper** petitions should be sent to Democratic Services, Brighton & Hove City Council, King's House, Grand Avenue, Hove, East Sussex BN3 2LS at least 10 days before the meeting at which you would like the petition to be presented. (For full Democratic Services contact details see end of this scheme.)

**E-petitions** - follow this link to create, sign and submit an e-petition<sup>2</sup>.

#### **What the council will do when it receives a petition**

The council will send an **acknowledgement** of all petitions to the petition organiser **within 10 working days** of receipt. This acknowledgement will set out what we plan to do with the petition and when they can expect to hear from us again. The petition will also be published on our website. Whenever possible, we will also publish all correspondence relating to the petition (all personal details will be removed).

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<sup>1</sup> See page 7 of this document for details

<sup>2</sup> <http://present.brighton-hove.gov.uk/mgePetitionListDisplay.aspx?bcr=1>

We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Once submitted, the petition organiser will be offered the choice as to whether they wish the petition to be:-

- i) presented at the next full council meeting to decide how we will respond; or
- ii) referred directly to the appropriate committee or sub-committee of the council to decide how we will respond; or
- iii) responded to by the relevant officer of the council.

If the petition organiser wishes to refer the petition to a full council meeting or directly to the relevant decision-making meeting, they will be invited to attend the meeting and will be offered the opportunity to either present the petition themselves or for a councillor or someone else to present it on their behalf. Dates and times of all council meetings can be found here<sup>3</sup>.

If the petition organiser would like to present their petition to the council, or would like their councillor or someone else to present it on their behalf, they need to contact Democratic Services on 01273 291006 at least 10 working days before the meeting and we will talk you through the process.

If the petition organiser prefers to receive a response from the relevant officer without the petition being presented at a meeting, a response will be sent to them within 21 working days of the closure of the petition and will be posted on the council's website.

### **Full council debates**

If a petition contains more than 1,250 signatures and is **not** a petition requesting officer evidence<sup>4</sup>, it will be debated by the full council. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend before a decision is made about how we will respond.

The council will try to consider the petition at its next meeting. This may not always be possible and the petition will then be considered at the next meeting.

The petition organiser will be given 3 minutes to present the petition at the meeting. The petition will then be discussed by councillors for a maximum of 15 minutes. They will then decide how to respond to it at this meeting. Councillors may decide -

- to take the action the petition requests;
- not to take the action requested for reasons put forward in the debate; or
- to commission further investigation into the matter, for example by a relevant committee.

The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

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<sup>3</sup> <http://present.brighton-hove.gov.uk/ieListMeetings.aspx?XXR=0&Year=2012&CIId=117>

<sup>4</sup> See page 3 of this document



## Officer evidence

A petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, a petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If a petition contains at least 750 signatures, the relevant senior officer<sup>5</sup> will give evidence at a public meeting of an overview and scrutiny committee of the council.

The overview and scrutiny committee<sup>6</sup> may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call a relevant councillor to attend the meeting. Committee members will ask the questions at this meeting. However, the petition organiser will be able to suggest questions to the chair of the committee by contacting the Head of Scrutiny up to three working days before the meeting. For all overview & scrutiny committees please email [scrutiny@brighton-hove.gov.uk](mailto:scrutiny@brighton-hove.gov.uk) or call the Head of Scrutiny on 01273-291110. The overview and scrutiny meeting does not have the power to make or change decisions but may make a report or recommendations to the relevant decision making meeting. A copy of the overview and scrutiny report or recommendations will be sent to the petition organiser and published on our website.

If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell the petition organiser when and where the meeting will take place. If the petition needs more investigation, we will tell them the steps we plan to take.

## Exceptions

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here - Influence council decisions – make your voice heard<sup>7</sup>

We will not take action on any petition which is considered by the council's Monitoring Officer to be vexatious, abusive or otherwise inappropriate and, if this is the case, we will explain our reasons in our acknowledgement of the petition. In the period immediately before an election or referendum we may need to deal with a petition differently – if this is the case we will discuss with the petition organiser the revised timescale which will apply.

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<sup>5</sup> See page 7 of this document: 'Who can be called to account?'

<sup>6</sup> <http://www.brighton-hove.gov.uk/index.cfm?request=c1187479>

<sup>7</sup> <http://www.brighton-hove.gov.uk/index.cfm?request=c1211337>

If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reasons. To ensure that people know what we are doing in response to the petitions we receive, we will publish the details of all the petitions submitted to us on our website. However, there may be cases where this would be inappropriate.

### **How the council will respond to a petition**

The council's response to a petition will depend on what it asks for and how many people have signed it. Among the options that we may consider are -

- taking the action requested in the petition;
- considering the petition at a council meeting;
- holding an inquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;
- referring the petition for consideration by an overview and scrutiny committee of the council;\*
- calling a referendum;
- writing to the petition organiser setting out our views about the request in the petition.

\* Overview and scrutiny committees are committees of councillors who are responsible for looking at the work of the council and have the power to hold the council's decision makers to account.

If a petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners<sup>8</sup> and where possible will work with these partners to respond to a petition.

If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will tell the petition organiser the reasons for this.

Find more information on the services for which the council is responsible<sup>9</sup>.

If a petition is about something that a different council is responsible for, we will give consideration to what the best method is for responding to it. This might mean simply forwarding the petition to the other council, but could involve other steps. We will always notify the petition organiser of the action we have taken.

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<sup>8</sup> <http://www.bandhsp.co.uk/>

<sup>9</sup> <http://www.brighton-hove.gov.uk/index.cfm?request=a8>

## **E-petitions**

The council welcomes e-petitions<sup>10</sup> which are created and submitted through our website. E-petitions must follow the same guidelines<sup>11</sup> as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. They will also need to decide how long they would like their petition to be open for signatures. Most petitions run for 4 months, but they can choose a shorter or longer time, up to a maximum of 6 months.

When creating an e-petition, it may take five working days before it is published online. This is because we have to check that the content of a petition is suitable before it is made available for signature.

If we feel we cannot publish a petition for some reason, we will contact the petition organiser within this time to explain. They will be able to change and resubmit their petition if they wish. If they do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published on the council's website.

When an e-petition has closed for signature, it will automatically be submitted to the council. In the same way as a paper petition, we will send the petition organiser acknowledgement of receipt within 10 working days confirming what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website. If the petition organiser would like to present their e-petition to a meeting of the council, or would like a councillor to present it, they should contact the council's Democratic Services team on 01273-291006 at least 10 working days before the meeting to find out more about the process.

## **Frequently Asked Questions**

### **How do I start an e-petition?**

On the e-petitions homepage<sup>12</sup>, select the 'submit a new e-petition' option.

Enter your petition title which the system will automatically check against existing e-petitions to allow you to see if a similar one has been considered recently.

There is also a drop down box which allows you to associate your e-petition with any existing issue in the council's Committee Work Programme. The Committee Work Programme details all of the key decisions to be taken by the council in the coming months.

You will then need to fill in the online form. This will be submitted to the council's Democratic Services team who may contact you to discuss your e-petition before it goes live.

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<sup>10</sup> <http://present.brighton-hove.gov.uk/mgePetitionListDisplay.aspx?bcr=1>

<sup>11</sup> See page 1 of this document

<sup>12</sup> <http://present.brighton-hove.gov.uk/mgePetitionListDisplay.aspx?bcr=1>

## **How do I 'sign' an e-petition?**

You can see all the e-petitions currently available for signature on the current email petitions<sup>13</sup> page of our website.

- You can only sign an e-petition once.
- When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address.
- When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition.
- People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.
- From time to time, the council may also submit an e-petition itself to gauge public feeling on a particular issue.

## **Can I still submit a paper petition?**

You can submit petitions in both forms – you can have a paper version and an online version, although repeat names will be removed. Both forms should run for the same period of time and must be submitted together. When submitting an e-petition request, please let us know if you are running a paper petition as well and this can be highlighted on the website.

## **What can I do if I feel my petition has not been dealt with properly?**

If you feel that the council has not dealt with your petition properly, the petition organiser has the right to request that the council's overview and scrutiny committee review the adequacy of the steps that the council has taken in response to your petition.

It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

Your requests for review should be sent to the Head of Scrutiny, Kings House, Grand Avenue, Hove, East Sussex BN3 2LS or by email to [scrutiny@brighton-hove.gov.uk](mailto:scrutiny@brighton-hove.gov.uk)

The committee will try to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee decide we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include setting up an investigation, making recommendations to the relevant council committee, sub-committee or officer and arranging for the matter to be considered at a meeting of the full council.

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<sup>13</sup> <http://present.brighton-hove.gov.uk/mgePetitionListDisplay.aspx?bcr=1>

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website

### **Who are the council's partner authorities?**

For the purpose of this scheme, each of the following is a partner authority:-

- East Sussex Fire and Rescue Service (East Sussex Fire Authority);
- South Downs National Park Authority;
- East Sussex Police;
- a chief officer of police;
- a joint waste authority;
- The South East England Development Agency (SEEDA);
- National Health Services for Brighton & Hove;
- Surrey and Sussex Probation Trust;
- South Downs National Health Service Trust;
- the Arts Council of England;
- the English Sports Council;
- the Environment Agency;
- the Health and Safety Executive;
- the Historic Buildings and Monuments Commission;
- the Learning and Skills Council for England;
- the Museums, Libraries and Archives Council;
- Natural England;
- the Secretary of State, in relation to functions which he carries out —
  - for securing local employment under section 2 of the Employment and Training Act 1973; and
  - as highway and traffic authority for trunk roads (such as the A27 Brighton bypass) and special roads.

### **Who can be called to account?**

The senior officers who may be called to give evidence in response to a petition are -

- Chief Executive;
- Strategic Director of Resources;
- Strategic Director of People;
- Strategic Director Place;
- Strategic Director of Communities;
- Director of Finance; and
- (if not one of the above) the officers appointed as Directors of adult social services and of children's services

## Help and advice

If you need any help or advice about petitions, please contact Democratic Services, Brighton & Hove City Council, King's House, Grand Avenue, Hove, East Sussex BN3 2LS, phone 01273-291006, e-mail [mark.wall@brighton-hove.gov.uk](mailto:mark.wall@brighton-hove.gov.uk)

## Alternative formats and languages

If you would like this information published by Brighton & Hove Council in large print, braille, audio tape, in pictures and symbols, or in a community language please call Democratic Services on 01273 291006.

**Translation? Tick this box and take to any council office.**

ترجمة؟ ضع علامة في المربع وخذها إلى مكتب البلدية. Arabic

অনুবাদ? বক্সে টিক চিহ্ন দিয়ে কাউন্সিল অফিসে নিয়ে যান। Bengali

需要翻譯? 請在這方格內加剔, 並送回任何市議會的辦事處。Cantonese

ترجمه؟ لطفاً این مربع را علامتگذاری نموده و آن را به هر یک از دفاتر شهرداری ارائه نمایید. Farsi

Traduction? Veuillez cocher la case et apporter au council. French

需要翻译? 请在这方格内划勾, 并送回任何市议会的办事处。Mandarin

Tłumaczenie? Zaznacz to okienko i zwróć do któregoś z biura samorządu lokalnego (council office). Polish

Tradução? Coloque um visto na quadrícula e leve a uma qualquer repartição de poder local (council office). Portuguese

Tercümesi için kareyi işaretleyiniz ve bir semt belediye burosuna veriniz Turkish

other (please state)

**This can also be made available in large print, Braille, or on CD or audio tape**

**Appendix 2****DESIGN PRINCIPLES**

In developing the constitution, the Council will be guided by the following principles

**1. Openness and Transparency**

Anyone who has dealings with the Council should be able to understand easily who is responsible for decisions and how best to make representations to the decision-maker. Subject to any legal requirements, decisions at Member level will always be taken in public.

**2. Accountability**

The new constitution will include arrangements enabling people to find out about decisions which have been taken and for those decisions to be scrutinised by Members who did not take part in the decision. There will also be the opportunity to ask questions and a facility to complain about failure in services or Member conduct.

**3. Efficiency**

The arrangements for decision-making will ensure the capability for decisions to be made quickly in response to changing circumstances and the developing needs and aspirations of local communities. The arrangements will seek to keep the number of decision-making bodies and meetings to the minimum necessary consistent with the need to make decisions quickly.

**4. Soundness**

The constitution will comply with all legal requirements, including the Local Government Act 1972, the Human Rights Act 2000, the Localism Act 2011 and all other relevant laws and statutory guidance as well as reflecting good practice.

**5. Affordability**

A decision-making system based on committees requires more resources to service the meetings than is the case in an executive system. However, by using every available opportunity to streamline decision-making, use available technology optimising the officer arrangements, it is intended to contain the cost of running the new system within existing resources.

**6. The third way**

Although technically a "committee system" under the Local Government Act 1972, the new constitution will, in practice, retain the best parts of the executive system that are consistent with the legal framework (such as the forward plan, scrutiny etc.) This coupled with other initiatives referred to under 7 below, will make it look and feel different from the traditional committee or executive system. It will not be a simple "going back." It will be moving forward.

## **7. Forward Looking**

Opportunities will be identified and offered to use all available technology and modern ways of working to make the decision-making process and the democratic engagement one of the best e-enabled and customer-friendly ones in the country. Over a period of time, we will consider extending web-casting, electronic agendas, “virtual meetings,” electronic voting, public question and answer sessions on issues of city-wide importance. These will be subject to consultation with Members, resource implications and feasibility studies. This is intended to help Members and the public to access documents easily and avoid over-dependence on bulky paperwork as well as reducing costs.



**Appendix 3**

**Working Assumptions**

**1. No Shared Administration**

It is assumed that there will be no formal or informal coalition or shared administration. There are therefore no suggested processes to reflect such arrangements.

**2. Leader and Deputy Leaders**

Council will have a Leader appointed by full Council. Failing such appointment, the Leader of the Political Group with the largest number of seats will be the Leader of the Council. The Council may appoint up to two Deputy Leaders.

**3. Full Council**

In addition to matters that are reserved to full Council by law, all matters reserved to full Council under existing arrangements will continue to be so reserved.

Except in exceptional circumstances defined by the constitution, full Council will not normally reverse decisions taken by a Committee under delegated powers

**4. Policy & Resources Committee**

In addition to matters specifically delegated to it, P&R will have the following functions:

- To act as a general purposes committee
- To deal with all matters which, in the opinion of the [Chief Executive/Monitoring Officer/Director of Finance] have corporate policy or corporate budgetary implications. Such power shall operate concurrently with, and not to the exclusion of, the committee which has delegated powers in relation to the function.
- To act as the personnel committee for policy purposes

**5. Public Health**

It is proposed that public health issues are dealt with by the Health and Wellbeing Board, the Adult Social Care and Health and the Children and Young People Committees as appropriate. Until the legal transfer of the public health function to the Council on 1<sup>st</sup> April 2013, the public health role will be focussed on preparation and making transitional arrangements.

## **6. JCB and CYPTB**

It is proposed to review the need for these subject to ensuring that any matters requiring decision under the section 75 arrangements can be dealt with and there is support from health partners.

## **7. Governance Functions**

It is proposed to abolish the Governance Committee and transfer its functions to the Policy & Resources Committee. It serves a useful purpose in a Cabinet System to deal with any non-executive functions outside planning and licensing, especially in a Council with no overall control. This becomes unnecessary in a non-executive system as there will be a cross party P&R Committee which can undertake these functions.

## **8. Environment and Economic Development**

It is proposed to retain the current functional areas, one concentrating on transport and public space and another on Environment and sustainability. The functions currently comprised in the Cabinet Member for PEER regarding Economic Regeneration, major projects etc will form part of the new Economic Development and Culture Committee.

## **9. Audit and Standards**

Given the workload of the existing two committees, it is proposed to merge them into one committee, but keep a Standards hearing panel with sub-committee status to hear complaints against Members. The Hearing Panel would be chaired by an Independent Member.

## **10. Overview & Scrutiny**

It is proposed to keep two Overview & Scrutiny Committees, which will commission scrutiny by setting up task and finish policy or scrutiny panels or undertake scrutiny work themselves. The overview and Scrutiny Committee will be the statutory Crime & Disorder Committee, Flood Risk as well as HO&SC. Call-in will be retained with a requirement to have the support of at least 5 members from at least two political groups.

The proposals do not affect the establishment of a tenant Scrutiny panel which would not operate as a formal committee of the Council.

## **11. Neighbourhood Councils**

It is assumed that, as and when established, these will be overseen by P&R with decisions being taken using officer delegated powers.

## **12. Procedures and processes**

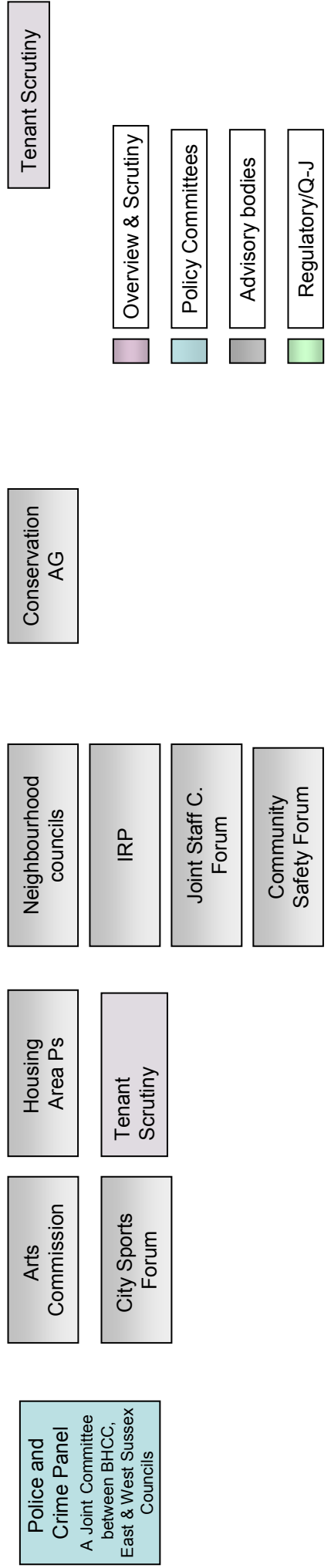
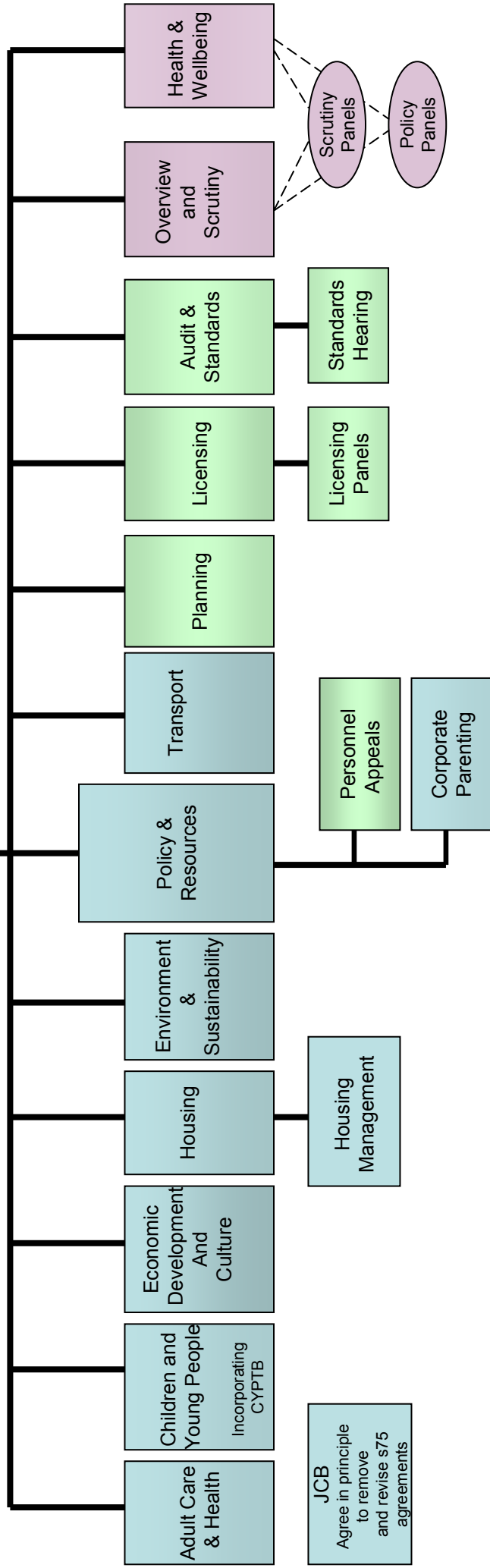
The presumption is that contract and financial standing orders, rules of procedure and other technical rules will be retained by making them fit for a committee system without changing any of the substantive powers or thresholds or affecting the need to seek member level approval.



Appendix 4

Version 6  
 Incorporating comments from cross party  
 working group on 2<sup>nd</sup> February 2012

**COUNCIL**





**Appendix 5****CHANGES TO OFFICER DELEGATIONS****1. Drafting assumptions**

The drafting of the scheme of delegations assumes, where possible, no change to the level of delegations to Officers. Any changes to the Senior Officer arrangements will need to be reflected in the scheme of delegations when agreed. For the purpose of this exercise, it is assumed that the officer arrangements, with the exceptions set out under 2 below, remain essentially the same.

**2. Substantive Changes**

There are only two significant changes to the scheme of delegations to officers:

- (a) **Property:** the power to acquire and disposal of land within officer delegation limits will be transferred from Service Managers to the Strategic Director: Resources to implement the corporate landlord initiative and to mirror the arrangements at committee level whereby the acquisition and disposal of land is reserved to the Policy & Resources Committee. The management functions will remain with the service manager. There will be some exceptions to this relating to right to buy and short leases and other housing related acquisitions and disposals which are all exempt from this. It is proposed that the Chief Executive is give authority to make transitional arrangements where necessary
- (b) **Hackney Carriage fares:** under the executive system the setting of hackney carriage fares was an executive function. Because the Council wanted this, as far as possible, to remain with the Licensing Committee, the Strategic Director: Place, was granted delegated powers exercisable after consulting the Licensing Committee and in accordance with the recommendations of the Committee. If the Officer disagreed with the recommendation, the matter was referred to the Cabinet Member for Environment. This meant the Licensing Committee was, de facto, the decision-making committee. As there is no need for this circuitous route in a committee system, the power will be given to the Licensing Committee and removed from Officers.

**3. No other changes**

With the exception of those mentioned above, there are no other substantive changes. All the other changes are simply to make Officer Delegations reflect the committee system (i.e. make them committee-fit.) For example, references to the need to consult a cabinet Member are replaced by the need to consult the relevant Committee Chair. Everything currently requiring member approval will continue to require member approval and everything that can be decided at Officer level will continue to be so.





Brighton & Hove City Council		Possible Allocations for Annual Council			
	No. Members 54	Green 23	Conservative 18	Labour 13	54
	No. Seats to be Allocated	Allocation Split			Co-optees
	<b>139</b>	<b>59</b>	<b>46</b>	<b>34</b>	<b>139</b>
1	Policy & Resources Committee	10	3	2	10
2	Licensing (Non 2003) Committee	15	5	4	15
3	Planning Committee	12	4	3	12 *2
4	Adult Care & Health	10	3	3	10
5	Children & Young People	10	3	3	10 **11
6	Economic Development & Culture	10	4	2	10
7	Housing	10	3	2	10
8	Environment & Sustainability	10	3	2	10
9	Transport	10	3	2	10
10	Audit & Standards Committee	8	3	2	8 ***2
11	O&SC	10	3	3	10
12	Health & Wellbeing OSC	8	3	2	8 ****6
13	Housing Management Consultative Sub	8	3	2	8
14	Corporate Parenting Sub	5	2	1	5 Up to 4
15	Personnel Appeals Sub	3	1	1	3
	<b>Proposed breakdown</b>	<b>59</b>	<b>46</b>	<b>34</b>	<b>139</b>

\*Planning currently has a co-opted CAAG member and it is proposed to include a co-opted member from the Federation of Disabled People

\*\* CYPTB currently has 17 co-optees and the proposal is to rationalise this to 11 under the new Committee

\*\*\*Audit & Standards will have 5 co-optees during the transition period

\*\*\*\* 3 non-voting co-optees are proposed on the HWB OSC and 3 voting education reps where these are required by legislation

<b>Overall Allocations</b>	<b>Green</b>	<b>Con</b>	<b>Lab</b>	
	<b>139</b>	<b>46.33</b>	<b>33.46</b>	
Rounded up	<b>59</b>	<b>46</b>	<b>34</b>	<b>80</b>
Percentage split on Council	42.59%	33.33%	24.07%	99.99%
Percentage split of Seats	42.44%	33.09%	24.46%	99.99%
<b>Bodies not included</b>				
	<b>Green</b>	<b>Conservative</b>	<b>Labour</b>	
	<b>Allocation Split</b>			
Health & Wellbeing Board	7	2	2	7
Licensing 2003 (Act)*	15	5	4	15
Licensing Panels	3	1	1	3
Community Safety Forum	10	3	3	10
Urgency Committees	3	1	1	3

**Appendix 7****PROTOCOL ON CO-OPTION****Meaning of “Co-optee”**

The expression co-optee is used to describe members of committees, sub-committees or panels who are not Councillors or Officers.

**Role of Co-optees**

The Council recognises the valuable input and different perspective they bring into the Council's decision-making process. Their role depends in what capacity they are appointed, which could be as representatives of an organisation of an interest group or they may be co-opted for their expertise or experience.

Co-optees role is to complementing, rather than replace, the role of elected Members who remain accountable to the electorate and are ultimately responsible for decision making.

**Presumption on co-option**

The usual presumption is that all committees, sub-committees will consist of Councillors. The co-option of non-councillors into committees or panels would normally be limited to cases where:

- (a) there is a statutory requirement to co-opt non-councillors (for example Standards Committee or the scrutiny of education)
- (b) where the Council sets a scrutiny or policy panel and the committee that sets it up considers that a co-optee or co-optees would bring some expertise or experience that would enhance the deliberations of the panel.
- (c) in exceptional cases where the unique nature of the function of the committee or body makes co-option desirable (for example the Corporate Parenting Sub-Committee)

**Expenses**

Co-optees would normally be paid only disbursements or out of pocket expenses. With some exceptions set out in the scheme for members' allowances, no co-optee will be paid an allowance.

**Voting**

Co-optees have no voting rights except where this is granted by law (such as church representatives in the scrutiny committee dealing with education or the independent member/s of the standards committee).

**Invitees**

Where co-option is not appropriate, the Chair of the relevant committee, sub-committee or panel may, at his/her discretion, invite non-councillors to attend a meeting and speak. Such invitation may, in exceptional cases, be a standing invitation, but no standing invitation with speaking rights shall be granted.

No invitee has speaking or voting rights and, unlike a co-optee, they are not members of the committee or body. This means they have to leave the meeting when exempt business is transacted.

**Further advice and guidance**

This protocol is intended by way of a general basic information. Should anyone need more detailed or specific advice, you may contact The Monitoring Officer or Head of Democratic Services on 291500 or 291006 respectively.



26 April 2012

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Members Allowances – Extract from the proceedings of the Governance Committee Meeting held on 20 March 2012</b>		
<b>Date of Meeting:</b>	<b>22 March 2012</b>		
<b>Report of:</b>	<b>Strategic Director; Resources</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mark Wall</b>	<b>Tel: 29-1006</b>
	<b>E-mail:</b>	<b>mark.wall@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>All</b>		

**GOVERNANCE COMMITTEE**

**4.00 pm 20 March 2012  
COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Littman (Chair), A Norman (Deputy Chair), Cox, Mitchell, Morgan, Powell, Randall, G Theobald, MacCafferty and Shanks.

**Also in attendance:** Mr. S. Keane, Chairman of the Independent Remuneration Panel.

**PART ONE****REVIEW OF MEMBERS ALLOWANCES**

- 74.1 The Committee considered a report of the Independent Remuneration Panel (IRP). The Chair of the IRP introduced the report. The Council had agreed to adopt new governance arrangements and move from the Leader and Cabinet model to a Committee System. The Independent Remuneration Panel had therefore been asked to consider the implications for the Special Responsibility Allowances paid to councillors with specific positions held in the new governance arrangements.
- 74.2 The Chair thanked the Independent Remuneration Panel for their work.
- 74.3 Councillor Morgan noted that there was no Special Responsibility Allowance for the Deputy Chairs of the two scrutiny committees, and asked if that would send out a message that those committees were not seen as equal. The Chair of the IRP said that the role of the Deputy Chair on the scrutiny committees had been fully considered, but not enough evidence had been provided to convince the panel that a Special Responsibility Allowance was justified. However, the matter would be monitored over the coming year, with particular attention paid to the role of the Deputy Chairs.

74.4 Councillor Randall said that Foster Panel did a great deal of work, and suggested that their role be looked at too. The Chair of the IRP agreed.

74.5 **RESOLVED:** That Council be recommended to approve the following:

- (1) That the Special Responsibility Allowance for the Leader's position remain at the current level of £28,758 as outlined in paragraph 3.4 and appendix 1 to the report;
- (2) That the Special Responsibility Allowance for the two Deputy Leaders' positions remain at the current level of £17,254 as outlined in paragraph 3.4 and appendix 1 to the report;
- (3) That the Special Responsibility Allowance of £10,967 be payable to the Chairs of Committees as outlined in paragraphs 3.6 to 3.9 and appendix 1 to the report;
- (4) That a Special Responsibility Allowance of £8,626 be payable to the Deputy Chair of Policy & Resources (with responsibility for Finance & Resources), as outlined in paragraph 3.7 of the report;
- (5) That a Special Responsibility Allowance of £3,594 be payable to the Deputy Chairs of Planning and Licensing Committees, as detailed in paragraph 3.9 of the report;
- (6) That the Special Responsibility Allowance of £2,156 for the Deputy Chairs of Committees be payable as outlined in paragraphs 3.6 to 3.9 and appendix 1 to the report;
- (7) That a Special Responsibility Allowance of £2,156 be agreed for the four positions of Opposition Spokesperson as outlined in paragraph 3.10 of the report; and
- (8) That the remaining aspects of the current Members' Allowance Scheme be retained with the inclusion of the changes in Special Responsibility Allowance's as outlined above (2-8) form the Members Allowances Scheme 2012/13 set out at Appendix 2 to the report and to take effect from 18 May 2012.

26 April 2012

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Review of Members' Allowances</b>		
<b>Date of Meeting:</b>	<b>26 April 2012</b>	<b>Council</b>	
	20 March 2012	Governance Committee	
<b>Report of:</b>	<b>Independent Remuneration Panel</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mark Wall</b>	<b>Tel: 29-1354</b>
	<b>Email:</b>	<b>mark.wall@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Full Council at its meeting on 15 December 2011 agreed to adopt new governance arrangements and move from the Leader and Cabinet model to a Committee System. The Council is due to consider a report in April which if approved will lead to the committee system being adopted along with a new constitution and that being effective from the Annual meeting in May, 2012.
- 1.2 The Panel has therefore been asked to consider the implications for the Special Responsibility Allowances paid to councillors with specific positions held in the new governance arrangements.

**2. RECOMMENDATIONS:**

That the Council be recommended to approve the following:

- 2.1 That the Special Responsibility Allowance for the Leader's position remain at the current level of £28,758 as outlined in paragraph 3.4 and appendix 1 to the report;
- 2.2 That the Special Responsibility Allowance for the two Deputy Leaders' positions remain at the current level of £17,254 as outlined in paragraph 3.4 and appendix 1 to the report;
- 2.3 That the Special Responsibility Allowance of £10,967 be payable to the Chairs of Committees as outlined in paragraphs 3.6 to 3.9 and appendix 1 to the report;
- 2.4 That a Special Responsibility Allowance of £8,626 be payable to the Deputy Chair of Policy & Resources (with responsibility for Finance & Resources), as outlined in paragraph 3.7 of the report;
- 2.5 That a Special Responsibility Allowance of £3,594 be payable to the Deputy Chairs of Planning and Licensing Committees, as detailed in paragraph 3.9 of the report;

- 2.6 That the Special Responsibility Allowance of £2,156 for the Deputy Chairs of Committees be payable as outlined in paragraphs 3.6 – 3.9 and appendix 1 to this report.
- 2.7 That a Special Responsibility Allowance of £2,156 be agreed for the four positions of Opposition Spokesperson as outlined in paragraph 3.10 of the report.
- 2.8 That the remaining aspects of the current Members' Allowances Scheme be retained and with the inclusion of the changes in SRA's as outlined above, (paragraphs 2.2 – 2.8) form the Members Allowances scheme 2012/13 set out at appendix 2 to take effect from 18 May 2012.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

#### Allowances:

- 3.1 Following the Council's decision in December to move to a committee system under new governance arrangements, the need to review Members Allowances became a requirement, in order that they reflected the change in positions to be held by Members.
- 3.2 The Panel have noted the proposed committee structure and reviewed the changes that have resulted in the positions held by Members e.g. with the removal of the Cabinet and the creation of various committees. The Panel have looked at the implications of the changes for Members Allowances as a whole and determined that there was only a need to review the Special Responsibility Allowances identified within the current scheme.
- 3.3 The Panel have met with the three Group Leaders and Councillor J. Kitcat as the Cabinet Member for Finance & Central Services. The Panel were also mindful of the saving of £23k identified in the budget for the cost of allowances overall and also held a unanimous preference to keep the number of SRA's as close as possible to the recommended level of 27 for the City Council.
- 3.4 Having looked at the information the Panel felt that the Leader of the Council's allowance and those of the Deputy Leaders' remained at an appropriate level and recommend their retention of £28,758 pa and £17,254 respectively.
- 3.5 The Panel also feel that the allowances paid to the Leader of the Opposition, the Deputy Leaders of the Opposition and Leader of the Minority Group should remain unchanged at the current time (see appendix 1).
- 3.6 In looking at the change from Cabinet to Committee, the Panel have recognised that Special Responsibility Allowances would need to be attributed to the positions of Chairs and Deputy Chairs of Committees. At this time, the Panel do not feel it is possible to fully consider the implications of the change in role from a Cabinet Member to that of a Committee Chair under the new governance arrangements. However, in taking into consideration the levels of allowances paid under the previous committee system, as well as information obtained as part of its last review, the Panel have concluded it would be appropriate to



recommend an SRA of £10,927 for the role of a Chair of a Committee and £2,156 for a Deputy Chair.

- 3.7 The Panel noted that within the previous schemes under a committee system, the role of Deputy Chair of P&R and Chair of Finance Sub-Committee was set at a higher level. It further noted that there was an intention to only have one Deputy Chair of P&R (with responsibility for Finance & Resources) in the new governance arrangements and in this regard concluded that an SRA of £8,626 would be appropriate.
- 3.8 The Panel noted that the role of the Planning and Licensing Committees had not altered and therefore recommend that the Chairs' SRA's should remain at their current respective levels.
- 3.9 The Panel also noted that the number of Licensing Panels had continued at a significant level. It felt that there was a need to recognise the importance of these and the benefit of having them chaired by either the Chair or Deputy Chair of the Licensing Committee should be recognised. In so doing, the Panel considered the role of the Deputy Chair of the Planning Committee and having previously taken evidence on the role of Deputy Chairs, concluded that both deputy chairs positions had a higher level of responsibility than other deputy chairs of committees, but that the current Deputy Chair of Planning was set too high. It therefore recommends that both roles should receive an SRA of £3,594.
- 3.10 The Panel were mindful of the proposed amalgamation of the Audit and Standards Committees and that until further guidance and regulations were made available, it was unclear as to whether the new committee would be chaired by a councillor or an independent member. The Panel have therefore provided for either option as part of the SRA's and the Allowances Scheme (see appendices 1 and 2).
- 3.11 The Panel also noted that the number of Overview & Scrutiny Committees had been reduced from six to two. In taking this into account and their expected increase in roles and responsibilities, the Panel felt that the respective Chairs' SRA's for the Overview & Scrutiny Committee and Health & Wellbeing Overview & Scrutiny Committee should be aligned to that of the Chair of the Licensing Committee, (see appendix 1).
- 3.12 The Panel have taken into account as part of the creation of the new committee structure, that there was likely to be greater involvement in the committee process for the Opposition Group. As such, and again in having consideration for the previous situation, the Panel believe there is a need to recognise the role of Opposition Spokesperson. It is therefore recommended that four posts be included in the list of SRA's, on the assumption that the Leader and Deputy Leaders of the Opposition will also have responsibility as opposition spokespersons. The SRA for the role of Opposition Spokesperson is therefore recommended to be set at £2,156.

- 3.13 The Panel is always keen to ensure that its recommendations are sound, that these are in line with other authorities and that they can be justified in the face of public scrutiny. The Panel are therefore mindful that a full review should be undertaken once the new governance arrangements are in operation so that the Members Allowances Scheme can fully reflect the new structure.
- 3.14 The Panel is also aware that further consideration needs to be given to the issue of carers' allowances and wishes to discuss this with Members and appropriate officials as part of its next review. In the meantime it intended to monitor the situation and to report fully in 2013.
- 3.15 The proposed new Scheme has a total of 33 Special Responsibility Allowances but assumes there will be a number of 'double-ups' which will result in it coming into line with Members' Allowances guidance which stipulates that the number of SRA's should not exceed 50% (27) of the number of councillors on the authority.
- 3.16 The Panel propose that these recommendations be implemented from 18 May 2012, the day after the Annual Council meeting, which is in line with previous changes to the Members' Allowances Scheme.

#### **4. CONSULTATION**

- 4.1 As part of this latest review the Panel has met with the three Group Leaders and the Cabinet Member for Finance & Central Services.
- 4.2 The recommendations of the Independent Remuneration Panel are being reported to the Governance Committee where all party groups are represented, before being submitted to Full Council on 26 April 2012.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The Members' Allowances revenue budget for 2012/13 is £1,059,000.
- 5.2 The recommendations of the Independent Remuneration Panel can be accommodated within the agreed 2012/13 budget for Members' Allowances.

*Finance Officer Consulted: Name Anne Silley Date: 09/03/12*

##### Legal Implications:

- 5.3 The proposals in this report comply with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003 and associated guidance.

*Lawyer Consulted: Elizabeth Culbert Date: 07/03/12*

##### Equalities Implications:

- 5.4 The recommendations explicitly seek to encourage a wider cross-section of the community to become councillors and to continue in office by breaking down the barriers and financial disincentives which deter people from serving as elected members.

Sustainability Implications:  
5.5 None arising directly from this report.

Crime & Disorder Implications:  
5.6 None arising directly from this report.

Risk and Opportunity Management Implications:  
5.7 None arising directly from this report.

Public Health Implications:  
5.8 None arising directly from this report.

Corporate / Citywide Implications:  
5.9 None arising directly from this report.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Proposed Special Responsibility Allowances
2. Proposed Members Allowances Scheme 2012

### **Documents in Members' Rooms**

None

### **Background Documents**

1. Members Allowances Scheme 2011

## Special Responsibility Allowances

<b>Responsibility</b>	<b>SRA (£)</b>
Leader of the Council	28,758
Deputy Leader of the Council (x2)	17,254
<b>Chairs of Committees</b>	
Policy & Resources	10,927
Adult Care & Health	10,927
Children & Young People	10,927
Economic Development & Culture	10,927
Environment & Sustainability	10,927
Housing	10,927
Transport	10,927
<b>Chairs of Regulatory Committees</b>	
Planning	10,927
Licensing (dual role)	8,626
Audit & Standards	8,626
<b>Chairs of Overview &amp; Scrutiny Committees</b>	
Overview & Scrutiny	8,626
Health & Wellbeing OSC	8,626
<b>Deputy Chairs of Committees</b>	
Policy & Resources (with responsibility for Finance & Resources)	8,626
Adult Care & Health	2,156
Children & Young People	2,156
Economic Development & Culture	2,156
Environment & Sustainability	2,156
Housing	2,156
Transport	2,156
<b>Deputy Chairs of Regulatory Committees</b>	
Planning	3,594
Licensing (dual role)	3,594
Audit & Standards	2,156
<b>Other positions of additional responsibility</b>	
Leader of the Opposition Group	13,803
Deputy Leader of the Opposition Group (x2 max)	7,188
Opposition Spokesperson (x4)	2,156
Leader of the Minority Group	7,188

**BRIGHTON & HOVE CITY COUNCIL**  
**MEMBERS' ALLOWANCES SCHEME**

The Brighton & Hove City Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following Scheme:

1. This Scheme may be cited as the Brighton & Hove City Council Members' Allowances Scheme 2012 and shall have effect on and from 18 May 2012 unless stated otherwise.
2. In this Scheme,
  - “the council” means Brighton & Hove City Council;
  - “councillor” means a Member of the Brighton & Hove City Council who is a councillor;
  - “co-opted member” means a member of a committee or sub-committee of the council who is not a member of the authority;
  - “total estimated allowances” means the aggregate of the amounts estimated by the Responsible Finance Officer, at a time when a payment of Basic Allowance or Special Responsibility Allowance is made, to be payable under this Scheme in relation to the relevant year, and for this purpose any election under paragraph 11 shall be disregarded;
  - “year” means the 12 months ending with 31 March.
3. **Basic Allowance**
  - 3.1 Subject to paragraphs 10 and 11, for each year a Basic Allowance of £11,463 shall be paid to each councillor.
4. **Special Responsibility Allowances**
  - 4.1 For each year a Special Responsibility Allowance shall be paid to those councillors who hold the special responsibilities in relation to the council that are specified in Schedule 1 to this Scheme. These payments came into effect on and from 18 May 2012.
  - 4.2 Where a councillor holds more than one position of responsibility, only one Special Responsibility Allowance shall be paid, such an allowance being the higher or highest of the relevant allowances.
  - 4.3 Subject to paragraph 11 and 12, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
5. **Attendance Allowance**
  - 5.1 No Attendance Allowance shall be payable.

**6. Travel, Subsistence and Dependants' Carers Allowances**

6.1 Travel, Subsistence and Dependants' Carers' Allowances shall be paid to councillors and co-opted members in accordance with Schedule 2 to the Scheme.

**7. Pensions**

7.1 All eligible members of the Council may elect to join the Local Government Pension Scheme (LGPS) with effect from the first day of the month following the Council's receipt of the pensions option form.

7.2 Where members elect to join the Scheme, both the Basic Allowance and any Special Responsibility Allowance to which they may be entitled or may become entitled, shall be treated as amounts in respect of which a pension is payable.

7.3 The Local Government Pension Scheme and the Discretionary Compensation (Local Authority Members in England) Regulations 2003 shall apply to members who elect to join the LGPS.

**8. Co-optee's Allowance**

8.1 For each year a Co-optee's Allowance shall be paid to the Chairman of the Audit & Standards Committee provided the post is held by an Independent Member.

8.2 For each year a Co-optee's Allowance shall be paid to the Deputy Chairman of the Audit & Standards Committee provided the post is held by an Independent Member.

**9. Withholding of allowances**

9.1 Where payment of any allowance is due or has already been made in respect of any period during which the member concerned is

(a) suspended or partially suspended from his/her responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000, or regulations made under that Part; or

(b) ceases to be a member of the authority; or

(c) is in any other way not entitled to receive the allowance in respect of that period,

the authority may withhold the payment of an allowance for that period or, as the case may be, require that such part of the allowance already paid as relates to any such period be repaid to the authority.

9.2 The term "member" in this paragraph covers both councillors and co-opted members

9.3 Decisions as to the withholding or repayment of allowances under the above provisions shall be taken by the Standards (Local Determinations) Hearing Panel.

**10. Renunciation**

- 10.1 A councillor or a co-opted member may by notice in writing given to the Responsible Finance Officer elect to forego any part of his/her entitlement to an allowance under this Scheme.

**11. Part-Year Entitlement**

- 11.1 Subject to paragraph 11.7, the provisions of this paragraph shall have effect to regulate the entitlements of a councillor to Basic and Special Responsibility Allowances where, in the course of a year, this Scheme is amended or that councillor becomes, or ceases to be a councillor, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.

- 11.2 If an amendment to this Scheme changes the amount to which a councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, then in relation to each of the periods:

- (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or
- (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this Scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.

- 11.3 Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a Basic Allowance shall be to the payment to such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

- 11.4 Where the Scheme is amended as mentioned in sub-paragraph 11.2, and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph 11.2(a), the entitlement of any such councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a councillor subsists bears to the number of days in that period.

- 11.5 Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

- 11.6 Where this Scheme is amended as mentioned in sub-paragraph 11.2, and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph 11.2(a) of that paragraph any special responsibilities as entitle him or her to a Special Responsibility Allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.
- 11.7 The provisions of this paragraph, subject to necessary modifications, shall apply to Co-optees' Allowances as if the reference to a "member" included a co-opted member.
- 12. Claims and Payments**
- 12.1 Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph 11.2, in instalments of one-twelfth of the amount specified in this Scheme on the last day of each month (or the last working day before that day if it is not a working day).
- 12.2 Where a payment of one-twelfth of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 11.6, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- 12.3 The provisions of this paragraph shall apply to Co-optees' Allowances in the same way as they apply to Basic and Special Responsibility Allowances.

*This Scheme was approved by Full Council at its meeting on 26 April 2012 and takes effect from 18 May 2012 unless stated otherwise.*



## SCHEDULE 1

### Special Responsibility Allowances

<b>Responsibility</b>	<b>SRA (£)</b>
Leader of the Council	28,758
Deputy Leader of the Council (x2)	17,254
<b>Chairs of Committees</b>	
Policy & Resources	10,927
Adult Care & Health	10,927
Children & Young People	10,927
Economic Development & Culture	10,927
Environment & Sustainability	10,927
Housing	10,927
Transport	10,927
<b>Chairs of Regulatory Committees</b>	
Planning	10,927
Licensing (dual role)	8,626
Audit & Standards	8,626
<b>Chairs of Overview &amp; Scrutiny Committees</b>	
Overview & Scrutiny	8,626
Health & Wellbeing OSC	8,626
<b>Deputy Chairs of Committees</b>	
Policy & Resources (with responsibility for Finance & Resources)	8,626
Adult Care & Health	2,156
Children & Young People	2,156
Economic Development & Culture	2,156
Environment & Sustainability	2,156
Housing	2,156
Transport	2,156
<b>Deputy Chairs of Regulatory Committees</b>	
Planning	3,594
Licensing (dual role)	3,594
Audit & Standards	2,156
<b>Other positions of additional responsibility</b>	
Leader of the Opposition Group	13,803
Deputy Leader of the Opposition Group (x2 max)	7,188
Opposition Spokesperson (x4)	2,156
Leader of the Minority Group	7,188

**Note :**

- The payment of allowances to the Leadership shall apply as follows:
  - the Leader of the Council and two Deputy Leaders, or
  - The Leader of the Council and one Deputy Leader
- A maximum of two Deputy Leaders of the Opposition have been included in the Members' Allowances Scheme
- The remits and responsibilities of the Chairs of the two Overview & Scrutiny Committees may change without requiring amendment to the Members' Allowances Scheme.
- Where a councillor holds more than one position of Special Responsibility, only one Special Responsibility Allowance shall be paid and this is the higher or the highest of the relevant allowances.

### **Co-optee's Allowances**

**Chairman**

Independent Chairman of Audit & Standards Committee	4,313
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**Deputy Chairman**

Independent Deputy Chairman of Audit & Standards Committee (if the post is held by an independent member)	548
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*Special Responsibility Allowances and Co-optees' Allowances are payable from 18 May 2012.*

## **SCHEDULE 2**

### **Approved Duties**

Brighton & Hove City Council specifies the following as approved duties for the purpose of the payment of Travel, Subsistence and Dependants' Carers' Allowances.

1. Attendance at :
  - (a) The council, or any of its committees and sub-committees.
  - (b) The bodies to which the council makes appointments or nominations at either Annual Council or Policy & Resources Committee including any committee or sub-committee of such a body.
  - (c) The following meetings, the holding of which is authorised by the council, or any of its committees or sub-committees, or by any joint committee (or sub-committee thereof) of the council and any other authority, provided that it is a meeting to which councillors of at least two political groups of the council have been invited:
    - i) Meetings of the council's formally established consultative fora and partnerships, scrutiny review panels and select committees.
    - ii) Meetings with outside bodies in pursuit of economic development objectives which have been authorised by the council, or any of its committees or sub-committees.
    - iii) Councillors' tours of the authority's area which have been authorised by the council, or any of its committees or sub-committees.
    - iv) Internal training sessions organised and facilitated by officers of the council for the induction of councillors or for the better performance of their duties and responsibilities or to enable better understanding of the council's functions.
2. The following meetings of associations of authorities of which this authority is a member:

The Local Government Association and its committees
3. Any other duty, or class of duty approved by any committee, or officer of the council acting under delegated powers, such duty or class of duty to be for the purposes of or in connection with the discharge of the functions of the council, or its committees or sub-committees.

Payments in respect of the above approved duties shall be paid in accordance with the following rates:

## A. Travel and Subsistence Allowance

### Public Transport

Actual standard class rail fares (first class travel will only be reimbursed with prior agreement where councillors have to work on the journey).

Long distance travel undertaken by car will be reimbursed at the rail fare rate where this is a cheaper option.

Councillors purchasing their own rail tickets should provide their receipt or ticket when claiming reimbursement.

For local travel councillors may choose:

#### Either

- (a) an annual saver ticket valid for Brighton & Hove buses where bus fares would otherwise be payable (bus travel is free for those aged 60 and over travelling after 9.00am and the disabled),

#### Or

- (b) a combination of reimbursement of cycle mileage and (ticketed) bus travel

#### Or

- (c) reimbursement of cycle mileage and passes to the Lanes and Hove Town Hall Car Parks

### Mileage Allowances

Motor mileage for attendance at approved council duties is payable for travel **outside** the city boundaries only, except in exceptional circumstances where the use of taxis/personal transport shall be permitted with the agreement of the Monitoring Officer for example by Members who have a disability or injury, or former mayors undertaking mayoral duties on behalf of the Mayor. Taxis may also be claimed in cases of urgency, meetings outside normal working hours (8.30am-6.30pm) or where there is no public transport available. Receipts must be provided. Motor mileage within the city's boundaries is deemed to be covered by the Basic Allowance.

All mileage is paid at Inland Revenue advisory rates and these will automatically be updated by the council to reflect any changes the Inland Revenue introduces. The current rates are -

<b>Cars</b>	45p per mile
<b>Supplement for Passengers</b>	5p per mile for each official passenger, up to a maximum of 4 passengers
<b>Motor Cycle Allowance</b>	24p per mile
<b>Cycle Allowance</b>	20p per mile

In addition, those Members opting for either (b) or (c) above may also take advantage of either the council's Bike Loan Scheme or the new Tax-free Bike Scheme and they will have access to the showering and secure lock-up facilities at three sites across the city.

**Day Subsistence**

Subsistence for approved council duties is payable for attendances **outside** the city boundaries only, except in exceptional circumstances. Where refreshments are not provided, subsistence costs within the city's boundaries are deemed to be covered by the Basic Allowance. Where claims can be made, eligibility is based on the time of day meals are taken and time away from home, as follows: -

Breakfast allowance	-	more than four hours' absence before 11.00am	£6.50
Lunch allowance	-	more than four hours' absence including 12 noon – 2.00pm	£8.50
Tea allowance	-	more than four hours' absence including 3.00pm – 6.00pm	£3.50
Evening Meal allowance	-	more than four hours' absence ending after 7.00pm	£15.00

**Receipts should be provided for all subsistence claimed.**

**Overnight Subsistence**

Where an overnight stay is required, overnight subsistence may be claimed up to a maximum of:

London/Conference Rate	not exceeding	£114.00
Standard Rate	not exceeding	£100.00

The above sums are for all subsistence received over a 24-hour period.

**Meals on Trains**

When main meals are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full, within the limits specified below. Where the cost of meals taken on trains is reimbursed, the rate of day subsistence allowance for that period of duty shall not exceed the maximum payable if the period of absence from the usual place of residence were reduced by four hours in respect of each meal taken.

The limitations on reimbursement are:

- (i) Absence of more than four but not more than eight hours, the cost of one main meal.
- (ii) Absence of more than eight hours but not more than 12 hours, the cost of two main meals.
- (iii) Absence of more than 12 hours, the cost of three main meals.

Where the cost of meals taken on trains is reimbursed, the rate of day subsistence for that period of duty shall not exceed the maximum payable if the period of absence from the usual place of residence were reduced by 4 hours in respect of each meal taken.

NOTE:

1. The council will not reimburse the cost of any alcohol purchased.
2. With effect from 1 September 2007 motor mileage within the authority's boundaries can only be claimed in exceptional circumstances and councillors should either use the bus or cycle within the city.
3. With effect from 1 September 2007 subsistence within the authority's boundaries can only be claimed in exceptional circumstances.

*Car mileage rates were revised from 1 April 2011.*

*All other travel and subsistence rates apply from 28 November 2003 and these have been re-affirmed by Full Council on 21 October 2011.*

## **B. Dependants' Carers' Allowance**

Dependants' Carers' Allowance (for children and adult dependants) may be paid retrospectively to either councillor or care provider when a councillor attends any of the approved duties identified in Schedule 2 to this Scheme and incurs costs for care provision.

This claims-based scheme is subject to tax and national insurance deductions at personal rates (liability falling to whoever receives the payment).

### Childcare

Eligible councillors may claim no more than the actual amount paid for childcare provision, up to a maximum of £7.00 per hour for a single child, or up to a total of £9.00 per hour for two or more children, provided the appropriate form is completed and the relevant receipts are attached.

Up to a total of one hour travelling time may be added to the claim (where applicable) to enable the councillor to travel to and from meetings, provided the child/children remain with the carer for the duration.

Childcare costs may be claimed for children until the Saturday following the 1 September after their 15<sup>th</sup> birthday in line with the government's eligibility criteria for Working Tax Credits.

The restriction on the use of household members for caring (family and otherwise) applies as a matter of good practice in line with other local authorities.

The minimum age for any carer should be 18 years.

The annual cap for childcare is set at £1,200 pa per councillor.

Dependant Care

This allowance is payable for both children with severe disabilities and also dependent adult relatives living in the councillor's home and for whom the councillor is directly responsible. It applies to the care of dependants on social or medical grounds.

Eligible councillors may claim no more than the actual amount paid for specialist dependant care up to a maximum of £7.50 per hour, provided the appropriate form is completed and the relevant receipts are attached.

Up to a total of one hour travelling time may be added to the claim (where applicable) to enable the councillor to travel to and from meetings, provided the dependant remains with the carer for the duration.

The minimum age for any carer should be 18 years.

The annual cap for dependant care is set at £1,200 pa per councillor.

*The Dependants' Carers' Allowance was revised at Full Council on 20 October 2011.*

**SCHEDULE 3**

**Other Allowances**

*NB These allowances which do not form part of the Members' Allowances Scheme are included here for information only :*

**Mayoral Allowances**

Mayor's Allowance for 2012/13 £12,572 pa

Deputy Mayor's Allowance for 2012/13 £3,518 pa

*The Mayoral Allowances were approved by Full Council on 28 April 2005 and have been uplifted by inflation each year since, following the recommendations of the Independent Remuneration Panel.*

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Payments to Former Mayors £35 per  
duty

*This is currently a flat rate allowance which is not subject to inflationary increases, although it is subject to further review as required by the Independent Remuneration Panel.*

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**Independent Remuneration Panel**

Members of the Independent Remuneration Panel (5) £528 pa each



## Special Council

26 April 2012

## Agenda Item 10

Brighton & Hove City Council

<b>Subject:</b>	<b>Annual Health &amp; Safety Service Plan 2012/13 – Extract from the proceedings of the Cabinet Meeting held on 15 March 2012</b>		
<b>Date of Meeting:</b>	26 April 2012 15 March 2012 - Cabinet		
<b>Report of:</b>	<b>Strategic Director; Resources</b>		
<b>Contact Officer:</b>	Name: <b>Mark Wall</b>	Tel: <b>29-1006</b>	
	E-mail: <b>mark.wall@brighton-hove.gov.uk</b>		
<b>Wards Affected:</b>	All		

### CABINET

**15 MARCH 2012, 4.00PM  
HOVE TOWN HALL, COUCNIL CHAMBER**

### MINUTES

### PART ONE

#### **219. ANNUAL HELATH & SAFETY SERVICE PLAN**

- 219.1 Councillor Duncan introduced the report which detailed the Annual Health & Safety Plan for 2012/13 and stated that he was delighted to have the opportunity to use the small grants programme to help businesses to improve their position.
- 219.2 Councillor Mitchell stated that she was concerned about the proposed reduction in the level of inspections put forward by the Government.
- 219.3 Councillor G. Theobald stated that he believed the power should rest with local authorities as many aspects were risk based, and he hoped that the inspection process could be joined up.
- 219.4 The Chair then put the recommendations to the vote.
- 219.5 **RESOLVED:** That the proposed Health & Safety Annual Service Plan 2012/2013 at Appendix 1 to the report be agreed and recommended to Council for approval.



<b>Subject:</b>	<b>Annual Health &amp; Safety Service Plan 2012-13</b>		
<b>Date of Meeting:</b>	<b>26 April 2012</b> 15 March 2012		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Lead Cabinet Member:</b>	<b>Cabinet Member for Communities, Equalities &amp; Public Protection</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Roy Pickard</b>	<b>Tel: 29-2145</b>
	<b>Email:</b>	<b>Roy.pickard@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>Yes/No</b>	<b>Forward Plan No: CAB 21131</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Health & Safety Annual Service Plan required under the Health & Safety at Work Act etc 1974 Section 18 standard is part of the Council's Policy Framework on which the relevant cabinet member and other stakeholders are normally consulted before final proposals are formulated.
- 1.2 This work is very important to a city like Brighton & Hove with its leisure and tourist industry, its night time economy and its retail businesses. It keeps the city's workers, residents and visitors safe and healthy and enhances the city's reputation as an attractive place to work, live and visit.

**2. RECOMMENDATIONS:**

- 2.1 That the Cabinet agrees the proposed Health & Safety Annual Service Plan 2012/2013 at Appendix 1 and recommends that Council approve it.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Health & Safety Annual Service Plan is a statutory document required under guidance issued by the Health and Safety Executive (HSE), Section 18 Standard. The Annual Service Plan for this year reviews 2010-11 and details the aims and objectives for the enforcement of health & safety as a function of the Health & Safety Team.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Health & Safety Service Plan is submitted to the relevant member forum for approval. It also requires members to make a commitment to the Health & Safety Executive strategy 'be part of the solution'
- 3.3 Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) puts a duty on Local Authorities (LAs) to make adequate arrangements for enforcement. The primary purpose of the HSWA is to control risks from work activities. The role of the Local

Authority is to provide advice and support to duty holders, manage and control these risks and thus prevent harm to employees and to the public.

- 3.4 This year the coalition government has been carrying out a major review of health and safety legislation, strategy and enforcement.
- 3.5 In March 2011, the Minister for Employment announced the next steps in the Government's plans for reform of the health and safety system in Britain with the publication of "*Good Health and Safety, Good for Everyone*".<sup>1</sup> Under the reforms, protecting people in the workplace and in society as a whole remains a key priority. The focus of the health and safety regime will move to a lighter touch approach concentrating on higher risk industries and on tackling serious breaches of the rules.
- 3.6 The Government's reforms require HSE and LAs to reduce the number of inspections carried out; to have greater targeting where proactive inspections continue; and to increase information provision to small businesses in a form that is both accessible and relevant to their needs.
- 3.7 In May 2011, Local Government Group<sup>2</sup> (LGG) and HSE published joint guidance - "Reducing Proactive Inspections". This document provided guidance for LAs to determine their proactive interventions with flexibility to deliver local and national health and safety priorities within the Government's overall policy framework.
- 3.8 The joint HSE/LGG guidance ask LAs to use both national planning priority information and local information to determine the key causes of serious workplace accidents, injuries and ill-health and to develop intervention plans for poorly performing businesses. The nature of the intervention appropriate to a particular premises will be determined by the rating assigned to the premises
- 3.9 The HELA Local Authority Circular 67(3) that's give advice to local authorities on targeting interventions was revised in November 2011. In summary, LAs should target their health & safety interventions plans for the premises they enforce using the most appropriate option from the full range of interventions available. In keeping with the joint HSE/LGG guidance, LAs should reserve proactive inspection for Category 'A' premises and consider the use of other non-inspection techniques for other categories of premises. In keeping with the Government's reforms of health and safety, there are no restrictions on reactive work but LAs should consider using HSE's Incident Selection Criteria and risk based approach to complaints handling to assist with targeting their resources.
- 3.10 In November 2011 a report was released by Professor Ragnar E Löfstedt called Reclaiming health and safety for all: The report was an independent review of health and safety legislation. Its key recommendations that relate to local authority work were:
  - Exempting from health and safety law those self-employed whose work activities pose no potential risk of harm to others.

- That legislation is changed to give HSE the authority to direct all local authority health and safety inspection and enforcement activity, in order to ensure that it is consistent and targeted towards the most risky workplaces.

3.11 The attached Service Plan (Appendix 1) sets out the adequate arrangements for enforcement of the Health and Safety at Work etc Act 1974 by the Local Authority, in line with the above reports.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 A Senior Lawyer and Accountant have been consulted regarding the legal and financial implications. The service plan will be part of a rigorous consultation process in March 2012 involving members of the public, employers, employees, internal and external stakeholders such as Trade Unions, Corporate Health & Safety and local business forum. It must be a published document and is also available on the Council's website.
- 4.2 Businesses satisfaction rates for the Health and Safety service remain high with 98.3% of business feeling that they had been treated fairly and 98.7% of businesses felt the contact was helpful.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The annual Health and Safety Service Plan sets out the approach that the Council will use to fulfil its statutory duties. The 2012/13 net budget for the Health and Safety Service within Environmental Health will be determined by Budget Council on 23<sup>rd</sup> February 2012. The net budget for the current year is £215,870, and this includes a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support.

*Finance Officer consulted:*

*Karen Brookshaw*

*Date: 21/12/11*

##### Legal Implications:

- 5.2 Local authorities have a duty under Section 18 of the Health and Safety at Work Act 1974 to make adequate arrangements for enforcement of health and safety legislation in their area. 'The Standard for Health and Safety Enforcing Authorities' issued by the Health & Safety sets out the requirements that local authorities are obliged to follow in meeting their s18 duty'. The plan in Appendix 1 complies with these requirements.
- 5.3 The Council's Constitution requires the adoption of the Health & Safety Annual Service Plan to be reserved to full Council.

*Lawyer consulted:*

*Oliver Dixon*

*Date: 23/12/11*

##### Equalities Implications:

- 5.3 An Equalities Impact Assessment has been completed as part of our contact with groups during discussions in 2010. It has identified that additional work with BME takeaways is required.

Sustainability Implications:

- 5.4 Unacceptable risk, fatalities and major injuries would reduce development of the city, tourism and benefits to local people, in addition to private and family lives.

Crime & Disorder Implications:

- 5.5 Reduction in crime and disorder as part of the work place violence projects and retail robbery work.

Risk and Opportunity Management Implications:

- 5.6 A sensible approach to health & safety protects the Councils reputation as a responsible authority. Leading and promoting health & safety avoids tragedy and consequent adverse impacts.

Public Health Implications:

- 5.7 The service plan protects public health by improving standards in work places reducing sickness and ill health. The public and visitors to the city are also protected from accidents and incidents that can lead to injury.

Corporate / Citywide Implications:

- 5.8 A safe and healthy workforce benefits the local economy and develops the city's tourism

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 None. The Service Plan is a statutory requirement.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Compliance with statutory duties.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Health & Safety Annual Service Plan 2011/2012

### **Documents in Members' Rooms**

1. None

### **Background Documents**

1. Health & Safety at Work etc Act 1974
2. Health & Safety Executive strategy 'be part of the solution'
3. Local Authority Circular 67(3)
4. Minister for Employment : Good Health and Safety, Good for Everyone
5. Local Government Group2 (LGG) and HSE published joint guidance - "Reducing Proactive Inspections"
6. Professor Ragnar E Löfstedt: Reclaiming health and safety for all





**Special Council**

26 April 2012

**Agenda Item 11**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Official Feed and Food Controls Service Plan 2012/13 – Extract from the proceedings of the Cabinet Meeting held on 15 March 2012</b>		
<b>Date of Meeting:</b>	26 April 2012 15 March 2012 - Cabinet		
<b>Report of:</b>	<b>Strategic Director; Resources</b>		
<b>Contact Officer:</b>	Name: <b>Mark Wall</b>	Tel: <b>29-1006</b>	
	E-mail: <b>mark.wall@brighton-hove.gov.uk</b>		
<b>Wards Affected:</b>	All		

**CABINET**

**15 MARCH 2012, 4.00PM  
HOVE TOWN HALL, COUCNIL CHAMBER**

**MINUTES****PART ONE****227. OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2012-13**

- 227.1 Councillor Duncan introduced the report which detailed the proposed Official Feed and Food Controls Service Plan, as required by the Food Standards Agency.
- 227.2 The Chair stated that it was an important function and important for the reputation of the city and asked that the Cabinet's thanks be passed onto the team. He then put the recommendation to the vote.
- 227.3 **RESOLVED:** That the Official Feed and Food Controls Service Plan 2012/2013 set out in the appendix to the report be agreed and commended to Full Council for approval



<b>Subject:</b>	<b>Official Feed and Food Controls Service Plan 2012/13</b>		
<b>Date of Meeting:</b>	7 <sup>th</sup> March - Environment & Community Safety Overview & Scrutiny Committee 15 <sup>th</sup> March- Cabinet <b>26 April - Full Council</b>		
<b>Report of:</b>	<b>Strategic Director; Place</b>		
<b>Lead Cabinet Member:</b>	<b>Communities, Equalities and Public Protection</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Nick Wilmot</b>	<b>Tel: 29-2157</b>
	<b>Email:</b>	<b>nick.wilmot@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>Yes/No</b>	<b>Forward Plan No: CAB 21128</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 To agree the Official Feed and Food Controls Service Plan previously known as Food Law Enforcement Service Plan required by the Food Standards Agency.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet agrees the Official Feed and Food Controls Service Plan 2012/2013 set out in the appendix to this report and commends it to Full Council for approval.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Food Standards Agency's Framework Agreement on Local Authority Food Law Enforcement requires the production and publication of a service plan. Every local authority is required to develop an annual food enforcement service plan, which provides the basis on which local authorities are monitored and audited by the Food Standards Agency.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Official Feed and Food Controls Service Plan is submitted to the relevant member forum for approval.
- 3.3 The attached plan (Appendix A) is an integral part of the organisation of Regulatory Services within Planning and Public Protection.
- 3.4 In accordance with the Standard outlined in the Framework Agreement the food service is a mix of enforcement, intelligence based work, investigation and education.

It is planned that a performance targets of completion of 98% of programmed food safety interventions and 90% of service requests responded to within 5 days.

- 3.5 In addition, areas of current good practice, and opportunities for further improvement, have been identified, both in Food Safety and Food Standards, in section 6.3 of the Service Plan. The targeting of resources to these areas of work aims to provide a balanced mix of services, which is most likely to benefit the business sector, consumers and other stakeholders. In line with the amendment to the Food Safety Code of Practice in June 2008 the service will continue to focus enforcement action on the poorer performing businesses.
- 3.6 A healthy food award scheme has been developed to improve healthy life expectancy and tackle obesity. Health Development Advisers also provide NHS vascular risk assessments (health checks).
- 3.7 Migration to the National Food Hygiene Rating Scheme from the local Scores on the Doors Scheme for publicising food safety standards of local businesses has had resulted in a significant resource pressure from 1<sup>st</sup> January 2012. This pressure will create an ongoing pressure. Further details are given in 6.1 and 6.3 of Annex A.

#### 4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Brighton & Hove Food Partnership were consulted during the drafting of this plan.

#### 5. FINANCIAL & OTHER IMPLICATIONS:

##### Financial Implications:

- 5.1 **Food Safety:** The proposed detailed budget for 2012-13 for providing the Food Safety Service within Environmental Health is detailed below. The staffing figures include a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support:-

Staffing	£545,460
Transport	£ 13,870
Supplies and Services	<u>£ 18,930</u>
	<u>£578,260</u>

**Food Standards:** It is difficult to detail the time spent on the food standards function, as it is carried out during a comprehensive assessment. Time monitoring is not currently used to apportion time to the food function. The cost of the food standards function in 2011/12 was as follows based on the percentage of time officers spend on the food function. Similar apportionments would be expected for 2012/13.

Inspection, complaints and advice	
Management Support	£ 3,200
Food Team	<u>£30,120</u>
Total	<u>£33,320</u>

Sampling	
Purchases	£ 500
Analysis	<u>£ 9,500</u>

Total £10,000  
**TOTAL** £43,320

Finance Officer Consulted: Name Karen Brookshaw Date: 23/02/12

Legal Implications:

- 5.2 The Food Standards Agency places a requirement on local authorities to develop and submit a service plan. Local authorities are audited and assessed by the Food Standards Agency on the basis of their food law enforcement service as provided for in their Service Plans. The Food Safety Act 1990 (Code of Practice) places a requirement on local authorities to operate an inspection rating scheme, which determines frequency of intervention of food premises. The Official Feed and Food Controls Service Plan 2012/13 identifies the planned number of interventions for that period.
- 5.3 The Council's Constitution requires the adoption of the Official Feed and Food Controls Service Plan to be reserved to full Council. It is for Cabinet, following consultation with relevant stakeholders and overview and scrutiny, to formulate the Service Plan for submission to full Council for approval.

Lawyer consulted: Oliver Dixon Date: 14 February 2012

Equalities Implications:

- 5.4 An Equalities Impact Assessment has been undertaken. See 2.4.5 of appendix 1 for profile of food premises registering with the food service during the year 2011/2012. The service is mindful of the greater assistance food business operators require where their first language is not English. Written information, translation and interpreting services are employed where necessary to assist businesses to comply with regulatory requirements.

Sustainability Implications:

- 5.5 Liaison with relevant agencies in connection with local food initiatives, including the Brighton & Hove Food Partnership

Crime & Disorder Implications:

- 5.6 None

Risk and Opportunity Management Implications:

- 5.7 SMART targets for the food safety service is 98% of due food safety interventions achieved and 85 % of food businesses deemed to be 'broadly compliant'.

Public Health Implications:

- 5.8 The Food and Feed Service Plan is seen as key to protecting public health in the City. It is in line with the stated outcome to 'reduce health inequalities and long standing public health issues' as part of the priority of tackling inequalities which states that 'we will continue with high profile enforcement of food and health and

safety rules, maintaining our excellent record of environmental health improvements.'

Corporate / Citywide Implications:

5.9 See 1.2 of appendix 1

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 There is no legal alternative to the statutory service plan.

**7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 In order to comply with the Food Standard Agency Code of Practice.

**SUPPORTING DOCUMENTATION**

**Appendices:** 1. Draft Official Feed and Food Controls Service Plan 2012/2013

## **Appendix1**

### **Brighton & Hove City Council**

### **Official Feed and Food Controls Service Plan 2012/2013**

#### **1. Service Aims and Objectives**

##### **1.1 Aims and Objectives**

- 1.1.1 The food service function of Brighton & Hove City Council is enforced by Environmental Health & Licensing and Trading Standards staff within Regulatory Services of Planning and Public Protection.
- 1.1.2 Environmental Health & Licensing staff are primarily concerned with protecting and improving public health and the environment across the City. Within this service food safety officers work to ensure that food prepared and sold from local establishments is safe. This is achieved by carrying out a programme of interventions at food businesses, sampling and responding to service requests. Wherever practicable links are formed with the business community and all relevant professional groups with the objective of increasing and promoting food safety awareness.
- 1.1.3 The overall objective of the service is to provide a comprehensive food safety service to benefit consumers and the business community, with a considered balance between enforcement, investigation, advice and education.
- 1.1.4 Trading Standards officers aim to provide a comprehensive range of enforcement and advisory services to the community within a statutory framework. Its goal is to contribute, in conjunction with other agencies, to the development of a safe, fair and equitable trading environment for all consumers, by means of advice, information, education and enforcement.

The core aims being to ensure: -

- Accurate and informative labelling of food; and
- That compositional standards of food are maintained

The objectives being: -

- To carry out risk-based and intelligence led activities
- To undertake screen testing and food sampling to reflect identified areas of concern.
- To respond appropriately to food complaints and initiate proportionate action.
- Respond to trader requests in a timely manner
- To educate the public on compositional and labelling issues to improve eating habits

## **1.2 Links to Corporate Objectives and Plans**

1.2.1 The City Council's Corporate Plan for 2011-2015 has five priorities:

- Tackling inequalities
- Creating a more sustainable city
- Engaging people who live and work in the city
- Responsible and empowering employer
- A Council the city deserves

1.2.2 The service has strong links with these priorities. In particular the outcome to 'reduce health inequalities and long standing public health issues' as part of the priority of tackling inequalities which states that 'we will continue with high profile enforcement of food and health and safety rules, maintaining our excellent record of environmental health improvements.'

1.2.3 The service reduces inequality by funding training and coaching to small and medium businesses that may otherwise struggle to comply with legal requirements. Where English is not the first language, interpretation and translation services are provided.

1.2.4 The Official Feed and Food Control Service Plan is part of the corporate annual planning and development process.

1.2.5 The service has a published Enforcement Policy. This policy is a cornerstone for fair and open enforcement.

1.2.6 The service continually monitors business opinion through satisfaction surveys. This fits in with the priority of engaging people who work in the city. The findings help to ensure that the service meets the requirements of local businesses, residents and visitors and provides a service the city deserves.

1.2.7 The food service also has links with National Indicators:

**NI 53 Prevalence of breastfeeding at 6 – 8 weeks from birth**

See 3.7.1 of this plan.

**NI 55 Obesity among primary school age children in Reception Year** See 3.7.1 & 3.8

**NI 56 Obesity among primary school age children in Year 6** See 3.7.1 & 3.8

**NI 120 All-age all cause mortality rate** – The whole service.

**NI 122 Mortality from all cancers at ages under 75** – See 3.7.1 & 3.8



## **2. Background**

### **2.1 Profile of the Local Authority**

- 2.1.1 Brighton & Hove is a unitary authority on the south coast of England. It is approximately 50 miles from London. Bounded by the English Channel to the south and the South Downs to the north, it covers an eight-mile stretch of seafront and extends inland for approximately five miles.
- 2.1.2 Demographic information is available from online Brighton & Hove Local Information Service <http://www.bhlis.org/> .

#### **Resident Population by Ethnic Group 2007 Estimated**

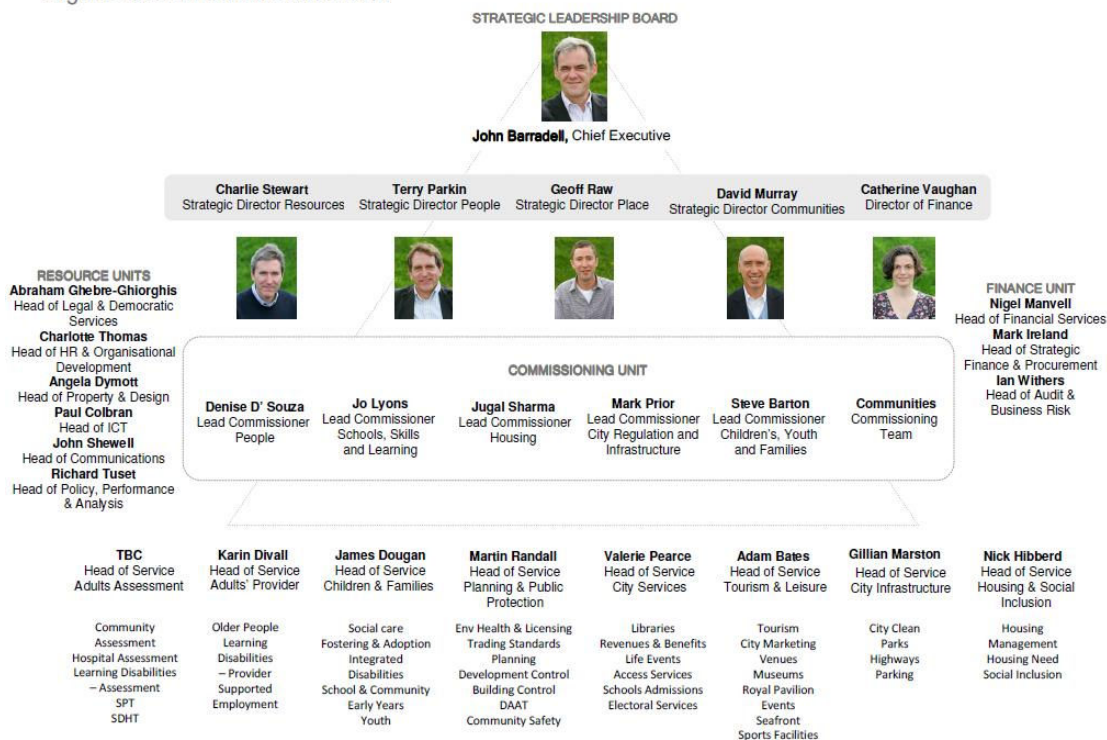
Total	253,500
White British	212,600
White Irish	3,600
White Other	14,000
Mixed White Other	5,800
Asian or Asian British	8,100
Black or Black British	4,400
Chinese	5,000

- 2.1.3 Tourism plays a major part in the local economy. Figures from the VisitBrighton Strategic Partnership 2010 estimate that 15% to 20% of jobs in the city are tourism related and eight million visitors bring £400 million into the local economy. The city boasts 4293 bedrooms, offering a bed stock of approximately 10,000. There is a large variety of hotels, food retailers and over 400 restaurants serving cuisine from around the world. The VisitBrighton Visitor Survey 2007 identified that 70% of visitors put going to a restaurant or place to eat as one of the most popular activities to do in Brighton & Hove.

### **2.2 Organisational Structure**

- 2.2.1 Brighton & Hove City Council intends to pass a resolution in April 2012 to change its governance arrangements from a Leader & Cabinet model to a committee system, to take effect from 17 May. If the resolution is passed, the committee with delegated responsibility for food safety and standards is likely to be the Environment & Sustainability Committee.
- 2.2.2 From November 2010 Brighton & Hove City Council changed the way it works, rather than having directors responsible for specific services the Chief Executive and Strategic Directors lead a commissioning team looking at needs across the city, with eight teams delivering frontline services. The food service reports to the Head of Service Planning & Public Protection.

**Brighton & Hove City Council**  
Organisational Structure 2010-2011



2.2.3 A formal arrangement is in place with the Health Protection Agency's Food Water & Environment laboratory based at Porton Down for the analysis of samples that require microbiological examination.

2.2.4 The Public Analyst contract was awarded to Worcestershire Scientific Services in May 2009 and will last for four years, the aim being to reduce cost, duplication and improve service delivery. The current allocation of costs for sampling analysis is £9,500. The focus of the contract remains composition and labelling plus some chemical contamination.

2.2.5 An entomologist from a local natural history museum assists with insect identification where found in foodstuffs.

## 2.3 Scope of the Feed and Food Service

2.3.1 A specialist Food Safety Team within Environmental Health carries out the food safety function. The work of the team includes:-

- Inspecting food premises;
- The investigation of food safety complaints;
- Food poisoning investigations when linked to a premises;
- Investigating infectious disease notifications;
- Microbiological food sampling;
- Food safety training;
- Responding to requests for advice;

- Initiatives relating to working with the community and businesses;
- Taking appropriate steps to publicise and act upon national food alerts;
- Publicising the food hygiene standards of local businesses.

2.3.2 The food standards function is carried out by Trading Standards Officers in the Business Support Team. The work of the team includes the following: -

- Risk based enforcement activity
- Complaint investigation
- Food Analysis and investigation
- Service Requests from businesses
- Education programmes
- Reacting to Food Alerts

2.3.3 Food Standards work is undertaken in conjunction with work on other areas of Trading Standards law. For instance, a programmed food visit will also include giving advice about other matters such as prices, business names and weights and measures. In this way a comprehensive visit is undertaken so as to minimise any inconvenience caused to the general day-to-day running of the business.

2.3.4 Trading Standards Officers are responsible for enforcing relevant legislation in respect of imported feedstuff, whilst the Food Safety team enforce relevant legislation controlling imported food of non-animal origin and products of animal origin.

## **2.4 Demands on the Feed and Food Service**

### **Food Safety**

2.4.1 As at January 2012 there are 3165 food businesses registered. These premises are broken down into the following profile:-

2	Primary Producers
43	Manufacturers/Processors
3	Importers/Exporters
30	Distributors/Transporters
646	Retailers
2441	Restaurants and other Caterers
3165	TOTAL

2.4.2 Three food businesses are approved under Regulation (EC) 853/2004 for specific dairy, fish and meat products processing.

2.4.3 The nature of the city causes a considerable seasonal variation in the department's workload. Some businesses only open during spring, summer or school holidays; the intervention programme has to be

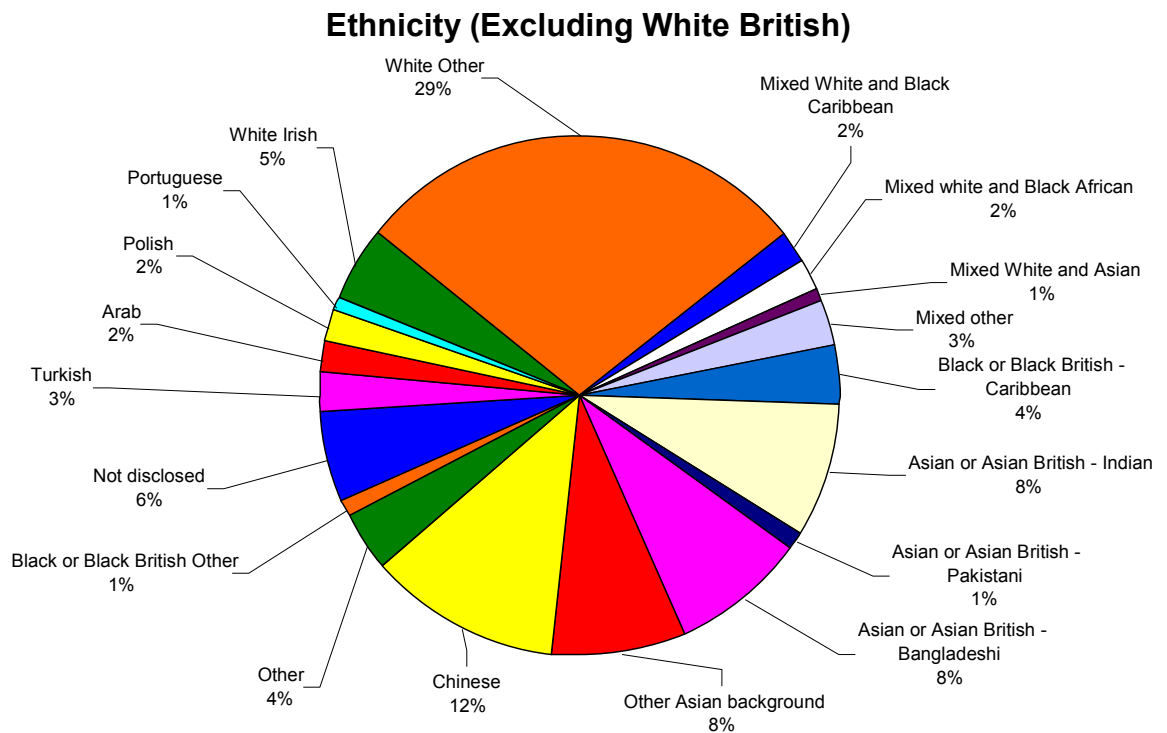
tailored to meet these service needs. There is a dramatic increase in the number of visitors in the spring and summer and this increases the volume of requests for service, enquiries and other reactive work. Outdoor events such as music events, festivals, specialist markets, farmers' markets, open-air concerts and funfairs also add to the seasonality of the workload.

**Food Standards**

2.4.4 Premises data is captured on Uniform and therefore the premises profile is the same but as the risk assessment is based on the LGR scheme the individual premises have a different inspection frequency for Food Standards. As of the 18th January 2012 2336 premises were considered to have an inspectable risk for Food Standards work. It has been noted that there is a high turnover of new premises requiring food standards advice.

**Access to services**

2.4.5 As part of the drive for continued improvement and dialogue with businesses all establishments are requested to complete feedback questionnaires following inspections. The questionnaires request information on the ethnic origins of the business owners. A total of 315 questionnaires were returned between April 2010 and March 2011 184, or 63%, of the total responses identified themselves as White British. The ethnic profile of the remaining 131 was as below.



**Demographic Information from Post Inspection Questionnaires April 2010 to March 2011.**

- 2.4.6 In addition to having a number of key food safety advice leaflets in a variety of languages, the service has the capacity to have any leaflet, letter or other document translated as required. Wherever possible, opportunities are taken to provide information about services to ethnic communities. Food safety training courses have been staged in languages other than English including Bengali, Cantonese, Thai and Turkish which have proven to be successful and popular with traders. Where necessary, interpreters accompany officers on planned interventions. Where necessary, officers can access The Big Word On-Call Language Service by telephone when carrying out visits.
- 2.4.7 Service users are able to access the service by visiting either of the two Customer Services Centres situated one in central Brighton and one in central Hove opening hours 8:45am to 4:30pm on weekdays. Remote access to council services is facilitated through 'self-help' in 25 locations across the city including all the main council offices, libraries, leisure centres and some schools. General telephone calls are fielded via a Call Contact Centre on (01273) 292161. Advice can also be accessed via the council's web site, [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk), or by email to [ehl.food@brighton-hove.gov.uk](mailto:ehl.food@brighton-hove.gov.uk).
- 2.4.8 Food Standards complaints are initially received by Consumer Direct South East. There is a referral protocol regarding food issues requiring enquiries to be sent to Trading Standards within 24 hours.
- 2.4.9 The Food Safety Team operates a Food Safety Hotline where businesses and consumers can obtain immediate advice from a food safety officer, during office hours. Senior food competent Environmental Health staff provide cover for an out of hours service to respond to food safety emergencies and incidents.
- 2.4.10 New food businesses registering with the service are provided with a access to a detailed information pack and offered guidance to assist compliance with food safety legislation.

## **2.5 Regulation Policy**

- 2.5.1 Brighton & Hove City Council has a Corporate Enforcement Policy in line with the national Compliance Code for Enforcers. This provides and overarching policy for all regulatory services. In addition the Environmental Health service has adopted a service Enforcement Policy in line with the national Compliance Code, Statutory Codes of Practice and relevant guidelines issued by Central Government departments and co-ordinating bodies. This policy is based on the seven 'Hampton Principles' of economic progress, risk assessment, advice and guidance, inspections and other visits, information requirements, compliance and enforcement actions and accountability.
- 2.5.2 The services detailed in this plan have arrangements in place to comply with the requirements of the Regulatory and Sanctions Act

2008, the main effect being measures to comply with the Primary Authorities Partnership scheme.

2.5.3 Any breaches of food law noted in businesses where Brighton & Hove City Council has an interest, either as proprietor or responsibility for structural repair, are brought to the attention of the Chief Executive without delay.

### 3 Service Delivery

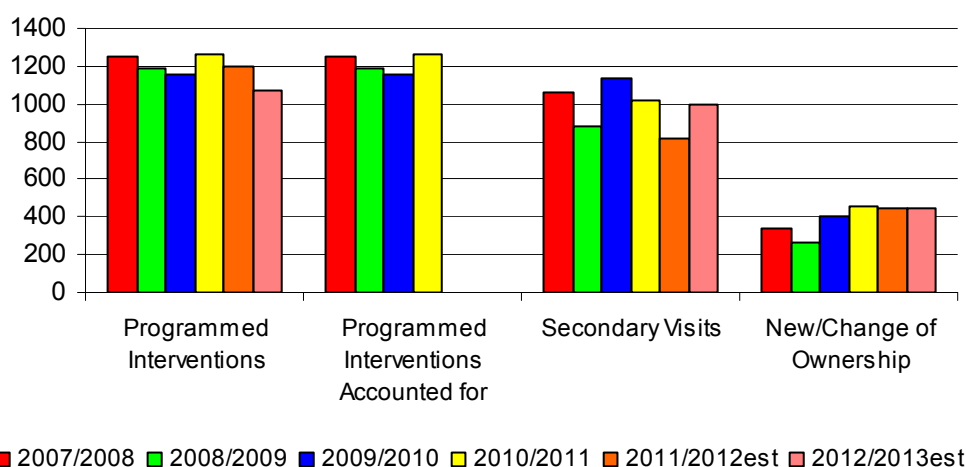
#### 3.1 Interventions at Food and Feedingstuffs Establishments

##### Food Safety

3.1.1 This section details the planned risk based food safety intervention programme for 2012/2013. The level of achievement in food safety intervention based activity over the past four years is shown in the chart below along with estimates for completion of the current year and 2012/2013.

3.1.2 The Food Safety Code of Practice published in 2008 gave local authorities flexibility to introduce a mixture of interventions. Implementation of an intervention-based programme enables services to reduce the level of burden on compliant businesses and focus more resources on those with poorer standards. See detailed in 3.1.19 below the approach to be adopted by the Food Safety service for the year 2012/2013.

**Chart of Intervention-Based Activity 2007-2013**



See tables 3.1.1 and 3.1.3 for further details.

3.1.3 The service follows a risk-based approach when implementing the local food safety intervention programme. It aims to account for a minimum of 98% of businesses due for intervention in the year 2011/2012 in accordance with the Food Safety Code of Practice as detailed in 3.1.8 below. Table 3.1.1 gives details of performance against target since

2007 and estimates the number of planned interventions for the current year and 2012/2013. The target is set at 98% to take account of possible service or operational problems such as a turnover of staff at the end of the year, emergencies or difficulties contacting seasonal businesses or home caterers.

Year	07/08	08/09	09/10	10/11	11/12est	12/13est
Programmed Interventions	1255	1193	1159	1262	1197	1076 A-D
Accounted for	1248	1188	1156	1262		
Target %	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D	98
Achieved%	99.4 A-D	99.6 A-D	99.7 A-D	100 A-D		

Table 3.1.1 Achievement of Planned Food Safety Inspection/Intervention Programme 2007-13.

- 3.1.4 The Food Safety Code of Practice contains a mechanism for risk rating each businesses based on factors such as:- if unwrapped high risk-food is handled, prepared or cooked; size of the business; any high-risk operations are undertaken; number of customers; vulnerability of the customers to food-bourne illness; standards of hygiene; condition of the structure and confidence in management. By scoring all of these factors, an overall risk rating of A to E is arrived at. Category A premises are the highest risk and E the lowest.
- 3.1.5 As category E premises tend to present a minimal risk due to the limited types of food they handle and/or they cater for a limited number of people. The service has operated an alternative enforcement strategy to maintain surveillance of these low risk businesses. This strategy enabled the service to provide greater focus on higher risk category A to D premises. This approach was in line with the Food Safety Code of Practice.
- 3.1.6 The alternative surveillance of low-risk businesses follows a structured documented procedure. The strategy employs postal questionnaires, sample inspections to check the validity of the information gained and follow up inspections where either the information returned leads to the conclusion that an intervention is necessary or no information is returned. Table 3.1.2 below shows the number of premises dealt with by this alternative method since 2007.
- 3.1.7 Migration from the local 'Scores on the Doors' scheme for publishing food hygiene standards to the national Food Standards Agency's Food Hygiene Rating Scheme (FHRS) has resulted in the need for a greater level of surveillance. The service therefore proposes to alternate between a questionnaire and intervention on the usual frequency for a category E rated food business. As a number of interventions were undertaken during February and March of 2012 as part of the migration process, see 6.2.1 for further details, it is not clear how many additional interventions this will generate for 2012/13. Although the current estimate is for an additional 56 interventions.

Year	07/08	08/09	09/10	10/11	11/12est
Number of premises	285	243	188	277	151

Table 3.1.2. Number of premises dealt with under alternative strategy.

3.1.8 Planned food safety interventions programme for the year 2012/2013 as at January 2012 is:-

Risk Category of Premises	Number of Interventions Due
A	8
B	56
C	611
D	401
Total	1076
Low-risk premises due for intervention as at January 2012	282

3.1.9 It is the intention of the service to account for a minimum of 98% of the 1076 high-risk (A–D) establishments due during the year as above. The three product-specific premises approved under Regulation (EC) 853/2004 will receive interventions within the risk rated programme as necessary.

3.1.10 The Food Safety Code of Practice encourages food enforcement services to provide greater focus on the outcomes of activities rather than the traditional approach of reporting on activity alone. Local authority performance is monitored by the Food Standards Agency through the Local Authority Enforcement Monitoring System (LAEMS).

3.1.11 The service aims to achieve 98% of the food safety intervention due and 85% of food establishments deemed to be 'broadly compliant', or better.

3.1.12 As at December 2011 the level of broadly compliant businesses stood at 96.5% of all food businesses.

3.1.13 **Secondary Interventions** - The main purpose of secondary interventions is to monitor food businesses that fail to comply with significant statutory food hygiene requirements, or where directly required by Regulation. Failure could include:-

- Failure to comply with a single requirement that compromises food safety, public health or prejudices consumers;
- Failure to comply with a number of requirements that, taken together, indicate ineffective management; or
- Service of a Hygiene Emergency Prohibition Notice or Order.

3.1.14 Then considering both the need for and timing of a secondary intervention, consideration is given to the seriousness of any failing,



history of the business, confidence in management and the likely effectiveness of this action when compared to any other enforcement option.

3.1.15 In addition to undertaking secondary visits to businesses that are not complaint at the initial intervention, as part of the safeguard measures associated with the FHRS, any food business that does not attain the top rating of five may request a rescore once any necessary issues have been resolved. The revisit must be unannounced and made no sooner than three months after the initial intervention and within three months of the request being made.

3.1.16 It is not known what level of demand there will be for such revisit but using the experience of neighbouring local authorities in Sussex who launched on the FHRS in April 2012 the level of demand could reach 80 to 100 visits in the first quarter and 20-25 per quarter thereafter. This will create a significant service pressure which the Food Standards Agency has agreed to fund.

3.1.17 Other secondary interventions are categorised as those that are not primary interventions but include:-

- Additional interventions of establishments that are subject to product-specific food hygiene regulations;
- Sampling visits;
- Visits to check on the progress of measures required after a previous intervention;
- Visits to investigate food and food premises complaints;
- Visits to discuss implementation of Hazard Analysis of Critical Control Points based system;
- Visits involving training of food handlers;
- Inspections of premises to assess a licence.

3.1.18 **Interventions at New Businesses/Change of Ownership** - Where the service becomes aware that ownership of a food business has changed or a new business has commenced, it aims to undertake an intervention within 28 days of the business starting trading.

3.1.19 The purpose of the intervention is to establish the scope of the business, gather and record information, determine if food sampling or swabbing is necessary, identify food safety breaches, determine relevant enforcement action to be taken by the food service, communicate this to the business and determine a risk rating score. Based on the last five years data, it is predicted that there will be 450 new businesses or changes of ownership in 2012/2013.

3.1.20 **Monitoring of Vacant Premises** - Where food premises fall vacant, arrangements are made to monitor activity at the premises. When new businesses open, it is important that support and guidance on food safety issues are given at an early stage.

Year	07/08	08/09	09/10	10/11	11/12est	12/13est
Secondary inspections	1060	855	1131	1017	820	1000
New Premises or Change in Ownership	336	267	398	461	450	450

Table 3.1.3 Estimate of secondary inspections & new businesses inspections for 2012/2013 based on data since 2007.

3.1.21 It is estimated that the number of staff required to carry out the programme of inspections plus other visits is 8 full time equivalents. Resources required to undertake secondary visits generated by complaints, enquiries or to undertake sampling are included in the appropriate part of this plan.

3.1.22 If the demand for rescoring under the FHRS scheme as outlined in 3.1.16 is at the level estimated this would create a service pressure equivalent to 1 full time officer, this would be funded by the Food Standards Agency.

### **Food Standards**

3.1.23 The LGR system requires high-risk premises to be visited each year, medium risk every two years and the low risk every five years. This means that all 56 high risk, 50% of the 670 medium risk and 20% of the 1610 low risk premises should be visited each year.

3.1.24 The target for 2011-12 was to visit 56 high-risk and 345 medium risk premises liable to inspection. Similar targets will remain in place for 2012/13.

3.1.25 There is no commitment to visit low risk premises but in 2011-12, 215 low risk premises were visited as a result of project work, complaints and other routine inspections.

3.1.26 Approximately 5% of inspections require a follow-up visit. Officers do not work exclusively on the food function. Follow up visits will be made to all premises when a non-compliance is detected and formal action is contemplated.

3.1.27 Two part time posts make up the Food Team. All officers within the team work on a part time basis and their time is equivalent to 1 FTE. About 80% of their time is spent on the food function.

3.1.28 **New Businesses** - All new businesses are assessed and if appropriate will be inspected within 56 days of being identified. On registration an information pack containing advice on food standards, food safety and other relevant legislation will be supplied to the business offering a communication channel between the local authority and the business. The initial visit will be to establish the scope of the businesses activity, identify its compliance with food standards legislation and to determine the level of support required. An intervention programme will be

designed to reflect the needs of the business and reviewed after one year. Inspections will then be programmed based on the LGR risk assessment.

- 3.1.29 **High Risk Premises** - All premises will be assessed to determine the most appropriate intervention method for them. Premises with good management control, no history of contraventions or complaints will be advised that they will be the subject of a 'light touch' approach and will only be inspected if they change their product range or complaints are received.
- 3.1.30 **Poorer performing High Risk Premises** -These premises will be inspected every year but may be the subject of additional interventions depending on their compliance.
- 3.1.31 **Medium Risk Premises** - These premises will receive an intervention at two yearly intervals. These interventions will alternate between comprehensive inspections, and a mix of sampling visits, complaint visits or other monitoring or surveillance. At least 50% of the premises liable to an inspection will be subject to a comprehensive visit.
- 3.1.32 **Low Risk Premises** - A programme of interventions will be based on the intelligence received about the individual premises or where the business requests support/advice.

## 3.2 Feed and Food Complaints

### Food Safety

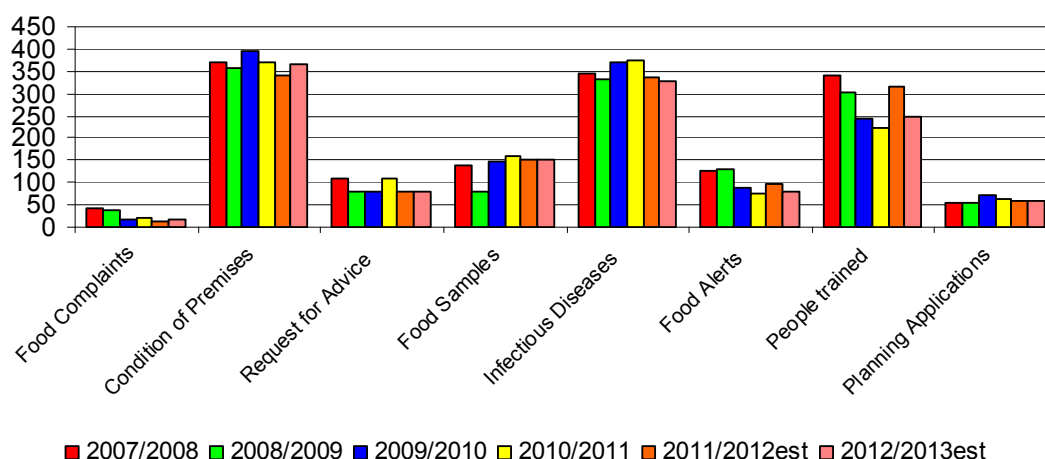
- 3.2.1 It is the policy of this authority to respond promptly to all requests for advice from business. It is the target of the service to respond to 90% of planning application consultations within 10 days, and all other demand driven work within 5 days.

Year	06/07	07/08	08/09	09/10	10/11
Within target %	96.6	97	96.6	97.7	98.8

Table 3.2 Percentage of Demand Driven Work within Target Response Time

- 3.2.2 All food complaints received are investigated in accordance with the council's Enforcement Policy and documented procedures. See below for a chart showing the pattern of demand driven work since April 2007 and estimates for the current year and 2012/2013. The source figures for this chart are contained in tables within the relevant part of the plan.

**Chart of Demand Driven Work 2007-2013**



See tables 3.2.1, 3.4.1, 3.4.3, 3.5.1, 3.6 and 3.8 for the source of data.

Year	07/08	08/09	09/10	10/11	11/12est	12/13est
Food Complaints	41	36	15	20	12	15
Condition of Premises	370	357	394	371	340	365

Table 3.2.1 Estimate of number of complaints for current year and 2012/2013 based on data from 2007 onwards.

3.2.3 It is estimated that 1.5 Full Time Equivalent officers will be required to meet this level of service requests.

### **Food Standards**

3.2.4 It is the policy of this authority to respond promptly to all food complaints and to carry out enquiries in accordance with the complaints' procedure. The following figures show a final estimate for 2011/12 as the report is generated before the end of the calculated year.

Year	06/07	07/08	08/09	09/10	10/11	11/12 est
Number of Complaints	183	253	295	279	185	125

### **3.3 Home Authority Principle and Primary Authority Principle**

3.3.1 Brighton & Hove Council fully supports the LGR Home Authority principle, and has entered into six formal and 22 informal arrangements with businesses whose operational activity extends outside of the city. Currently there are no primary authority food businesses in the city.

### **3.4 Advice to Businesses**

#### **Food Safety**

3.4.1 The service follows a policy of graduated enforcement in assisting businesses to comply with legal requirements. The key first step of this

approach is to provide advice and information to businesses. Contact is made with new or potential businesses through the provision of new business information packs and via the development control planning process.

3.4.2 In addition to this, advice is given by an officer when carrying out interventions, making an officer available for one to one advice sessions and having a duty hotline service covering office opening hours.

3.4.3 Advice and information is also available through the council's website.

Year	07/08	08/09	09/10	10/11	11/12 est	12/13 est
No of Requests	108	80	82	109	82	80
Planning Applications	55	53	70	64	60	60

Table 3.4.1 Showing number of requests received since 2007 and estimates for the current year and 2012/2013

3.4.4 It is estimated that 0.5 Full Time Equivalent Officer is required to meet this estimated demand.

3.4.5 The service is committed to good liaison arrangements with proprietors of food businesses, to encourage effective two-way communication and to provide information and training on legislation and good practice.

3.4.6 A Food & Safety newsletter is produced twice a year, which informs proprietors of new legislation, advice on good practice, and general items of interest. This is widely distributed throughout the city and sent out with intervention reports.

### **Food Standards**

3.4.7 Requests by businesses for advice are recorded as Service Requests. There was a significant increase in the number of requests for advice in 2007 and this level has remained reasonably constant since then. The following shows requests up until mid Jan 2012.

Level of Service Requests					
06/07	07/08	08/09	09/10	10/11	11/12est
32	150	192	151	188	145

## **3.5 Feed and Food Sampling**

### **Food Safety**

3.5.1 The service participates in national sampling initiatives organised by LGRegulation, countywide programmes co-ordinated by the Chartered Institute of Environmental Health (CIEH) Sussex Food Liaison Group, local Health Protection Agency (HPA) and those instigated by the FSA. The sampling programme includes food or food-contact surfaces at approved premises, food manufacturers, and manufacturers selling

mainly by retail as well as caterers and retailers. Samples of food and swabs of food-contact surfaces are also taken as part of routine work and when investigating specific issues at food premises.

3.5.2 During 2011/2012, the service took part in national food sampling programmes:-

- Study 43 - Lightly cooked foods such as sous vide foods cooked by water bath, rare duck meat (pink duck), parfait and pâté made with flash fried liver. Testing for a range of food poisoning pathogens
- Study 44 – Testing raw shell duck eggs on retail sale for Salmonella spp
- Study 45 – Sampling cleaning cloths, swabbing work surfaces and Ready to Eat (RTE) foods at catering and retail premises handling both raw and cooked before consumption and RTE foods or only RTE foods.
- Study 46 – Pre-cut fruits, with a particular focus on melon for Salmonella spp. and Listeria and a variety of food poisoning pathogens.

3.5.3 In addition to these nationally agreed programmes, the service took part in Sussex wide microbiological sampling programmes.

- RTE fish and fish products. Identify the presence of food safety pathogens and to ascertain the storage conditions and general quality of the product as compared to national guidelines.
- Modified Atmosphere Packaged (MAP) and Vacuum Packed Cooked RTE Meats at End of Shelf-life from Retail Premises for the presence of L. monocytogenes, other Listeria spp., and Salmonella spp

3.5.4 Sampling is also carried out during routine food hygiene inspections to aid officers in the assessment of practices carried out within commercial kitchens and identify any issues. Where any unsatisfactory results were found corrective action was put in place to ensure the quality of food products.

3.5.5 The national and CIEH Sussex Food Liaison Group have yet to be finalised countywide studies.

3.5.6 An Environmental Health Officer within the Food Safety Team is responsible for organising and co-ordinating food safety sampling: it is estimated 0.25 Full Time Equivalent officer will be required for this service.

Year	07/08	08/09	09/10	10/11	11/12est	12/13est
No. of samples	137	82	146	160	150	150

Table 3.4.3 Number of Food Safety Samples Submitted for Analysis 2007-2011 & estimate for the current year and 2012/2013.

3.5.7 Arrangements are in place with the local Health Protection Agency laboratory for the analysis of samples that require microbiological examination. The allotted cost for sampling for the financial year 2011/2012 was £11,429.

3.5.8 As at the end of January 2012, the allocation for the year 2012/2013 had not been confirmed.

### **Food standards**

3.5.9 Food Standards work is performed during a comprehensive inspection of the premises and generally linked to the metrology function. Officers currently undertake the food standards programme and deal with enquiries from consumers and businesses. The percentage of Officer time devoted to these functions has already been described earlier in this document. The food standards function in 2011/12 equated to approximately 1FTE.

3.5.10 A budget of £ 9,500 was allocated in 2011/12 to facilitate the contract with the appointed Public Analyst for the purposes of food analysis. A budget of £9,500 will be allocated in 2012/13. Sampling will be initiated to reflect perceived or identified problem areas but it is intended that we will be involved in at least one FSA led initiative, two regional projects, and two local projects in 2012/13. Sampling is undertaken in accordance with documented procedures and in accordance with the Codes of Conduct produced under the provisions of the Food Safety Act. Further funding is allocated for sample purchases.

### **Food Sampling Work undertaken in 2011/2012**

<u>MONTH</u>	PROJECT
April	Halal foods
July	Ochratoxins
Year long	Spirits Sampling as a part of the inspection programme
Year long	Home Authority Sampling
Year long	Foreign language labelling
Year long	Complaints/Officer initiative

3.5.11 The national initiative is fully funded and takes account of potential problems requiring further investigation. The cost for the regional and local projects will be set to allow for contingencies, such as, complaints and reacting to food hazard warnings.

3.5.12 **Control and Investigation of Outbreaks and Food-related Infectious Disease** - Specific infectious diseases are notifiable to the local authority. The department investigates these cases in an attempt to identify the cause of illness and any practical measures to control potential outbreaks. See below for the number of cases investigated from 2007 to 2011 and an estimate of the numbers expected for the

current year and 2012/2013. Investigations of outbreaks must commence as soon as practical. In individual notifications, the investigation has to commence within 5 days. It is estimated that 0.5 FTE officer will be required to meet this level of complaints.

Year	07/08	08/09	09/10	10/11	11/12 est	12/13est
No. of reports	344	333	306	373	335	330

Table 3.5.1 Estimate of Number of notifications for 2011/2012 & 2012/2013 based on data from 2007 onwards.

3.5.13 The number of notifications included in table 3.5.1 has been corrected to discount those illnesses not associated with food such as mumps, measles and hepatitis. Table 3.5.2 below shows the number of *Campylobacter* and *Salmonella* cases notified from 2007 onwards. The number of *Campylobacter* confirmed notifications have decreased slightly from the high number reported last year.

Year	07/08	08/09	09/10	10/11	11/12est	12/13est
Campylobacter	217	202	125	222	195	180
Salmonella	61	34	60	33	30	35

Table 3.5.2 Estimate of Number of specific notifications for 2011/2012 & 2012/2013

3.5.14 Foodborne illness can be contracted as a result of a number of reasons including poor food handling in the home or foreign travel it is therefore difficult to attribute any increase or reduction to one source.

### 3.6 Feed/Food Safety Incidents

3.6.1 An out of hours emergency service is staffed by senior staff who are suitably authorised to carry out the full range of food safety functions including responding to emergency food safety incidents.

3.6.2 Information regarding national food safety alerts, such as product recalls from the FSA, is received during office hours via the national alert system.

3.6.3 The Environmental Health Manager (Food Safety) and senior staff within the Food Safety Team are registered on the rapid alert system to receive food alerts through a text message scheme direct to their mobile phones. The information contained in the food incidents is distributed and acted on as deemed necessary.

Year	07/08	08/09	09/10	10/11	11/12est	12/13est
Food Alerts	127	130	88	76	95	80

Table 3.6 Estimate of Food Alerts for the current year and 2012/13 based on data from 2007 onwards.



### **3.7 Liaison with Other Organisations**

#### **Food Safety**

3.7.1 There are a number of arrangements in place with other professions and local authorities to promote consistency, provide joint projects and develop services: -

- The Environmental Health Manager in the Food Safety Team attends the Sussex Food Liaison Group. This group identifies and develops common approaches to food safety legislation, best practice and food safety training needs across Sussex.
- An Environmental Health Officer in the Food Safety Team attends the Chartered Institute of Environmental Health's Sussex Food Study Group. This group discusses common food safety delivery problems and develops joint procedures and practices for food safety issues.
- The Food Safety Team has regular liaison meetings and agreed working arrangements with Educational Services and catering contract supervisors to ensure consistent enforcement within schools.
- The Health Development team within Environmental Health & Licensing develops initiatives such as increasing breastfeeding in restaurants.
- The service works with nutritional advisers for the PCT on the Healthy Choice Award initiative to promote healthy menu options in eateries. As at January 2012 58 gold level awards have been issued, 27 silver and 7 bronze since the scheme was launched in 2008. There are currently another 12 applications pending for assessment.
- Officers from Environmental Health & Licensing attend the District Control of Infection Committee co-ordinated by the Community Consultant in Disease Control which reviews procedures and agrees communicable disease outbreak and food poisoning control measures.
- The authority is a member of the Brighton & Hove Food Partnership. The partnership includes representatives from local businesses and community groups, community workers and members of the Sustainability Commission. The Partnership raises awareness of food producers in supporting health, the economy and the environment increasing access to nutritious, safe, affordable food and providing a network for information exchange.
- A liaison arrangement is in place with Sussex Career Services and local schools to enable teachers and students from Brighton & Hove to gain work experience.

This work is accounted for in the reactive work estimate of resources required.

#### **Food Standards**

3.7.2 The team works closely with 18 other Trading Standards Services in the southeast that together make up Trading Standards South East

(TSSE). Activities include liaison on all trading standards issues, coordinated activities, sampling and advice projects and sharing of information via the TSSE intranet.

3.7.3 Trading Standards liaise closely with Environmental Health colleagues regarding healthy eating issues and support the Food Partnership activity wherever possible.

### 3.8 Feed and Food Safety and Standards Promotional Work, and Other Non-Official Controls Interventions

3.8.1 The service organises a number of food hygiene training courses per year. The food safety training activity April 2011 to January 2012 and total numbers of people trained are given below.

3.8.2 Type of Course	Number of Delegates
CIEH Level1 Award in Food Safety in Catering Awareness	32
CIEH Level 2 Award in Food Safety in Catering	226
TOTAL	258

Year	2007/08	2008/09	2009/2010	2010/2011	2011/2012est	2012/13est
Number Trained	340	301	245	225	316	250

**Table3.8 Total Training Undertaken Since 2007**

- 3.8.3 Thirteen Level 2 Awards in Food Safety in Catering courses have already been scheduled for 2012/13 and two level 1 courses.
- 3.8.4 The service also offers the CIEH Level 3 Award in Implementing Food Safety Management Procedures designed specifically to assist food businesses to comply with requirements introduced in 2006.
- 3.8.5 Safety in Action is a multi-agency event held over the course of a week in June, involving up to 600 Year 6 schoolchildren from across Brighton & Hove. The Food Safety Team attends and uses an ultra-violet 'Bug Box' to demonstrate good hand-washing practices. Children are also quizzed on the symptoms of food poisoning, when to wash hands and why good hand-washing is essential to prevent germs spreading. Food hygiene leaflets on hand-washing and the safety of packed lunches are included in 'goody bags' given out to each child at the end of the event, and fresh fruit cups are also given to the children at the end of the hand-washing activity session.
- 3.8.6 Food Safety Week took place from 6-12 June 2011 and a variety of activities were staged at venues across the city, including children's centres and day centres for adults. Displays were on show in council buildings and a community café in Kemp Town, where catering students with learning difficulties held a food safety quiz, and posters were distributed to libraries. The aim was to highlight common sense measures to ensure food is stored, handled and cooked properly to

minimise the risk of food poisoning. The service plans to take part in the 2012 Food Safety Week, which runs from 11-17 June. The theme for 2012 will be 'Food safety on a budget', focusing on how people can ensure that they keep their food safe when trying to save money.

3.8.8 Two Food and Safety newsletters are produced per year. The newsletters carry articles and information for businesses and members of the public. A copy is posted on the web site and sent out with correspondence.

3.8.9 In 2011 the Food Safety Team organised their second annual Curry Chef of the Year competition. It is planned to continue this as an annual event

#### **4. Resources**

##### **4.1 Financial Allocation**

##### **Food Safety**

4.1.1 The 2012/2013 projected budget for the food safety service within Environmental Health & Licensing is detailed below. The staffing figures include an appropriate amount for the Head of Regulatory Services, administrative support and management time.

Staffing	£545,460
Transport	£ 13,870
Supplies and Services	£ 18,930
<b>Total</b>	<b>£ 578,260</b>

##### **Food Standards**

4.1.2 It is difficult to detail the time spent on the food standards function as it is carried out during a comprehensive inspection. Time monitoring is not currently used to apportion time to the food function. Cost of the food standards function in 2011/12 was as follows based on the percentage of time officers spend on the food function outlined above and below:

Staffing Inspection, complaints and advice	
Management/Support	£ 3,200
Food Team	£30,120
<b>Total</b>	<b>£ 33,320</b>
Purchases	£500
Analysis	£9,500
<b>Total</b>	<b>£10,000</b>
<b>Total</b>	<b>£43,320</b>

The budget has not yet been set for 2012/13 but we envisage similar funding levels as this year.

## **4.2 Staffing Allocation**

### **Food Safety**

4.2.1 Establishment of the Food Safety Team for the year 2012/2013 is 11.3 full time equivalent field officers plus two full time equivalent administrative support staff and management, broken down as follows:-

1 x Environmental Health Manager  
2 x Senior Environmental Health Officers  
4.3 x Environmental Health Officers  
3 x Senior Technical Officers  
1 x Technical Officer

This is a reduction in establishment by 0.5 from previous years. The half a post being offered up as savings to assist the Environmental Health & Licensing Department meet the saving requirements of the Comprehensive Spending Review for 2011/2012.

4.2.2 All enforcement staff comply with strict guidelines governing qualifications and competencies before they are permitted to undertake food safety duties. All Senior Technical Officers hold Higher Certificates in Food Premises Inspection and are able to inspect all risk categories of food businesses. All Environmental Health Officers are qualified to undertake inspections of all risk categories of food businesses.

4.2.3 Seven officers within the other Environmental Health & Licensing Teams retain competencies to undertake food safety inspections. All food competent officers must undergo a minimum of 10 hours food safety training per year to retain their authorisation to undertake food safety inspections. In addition to the competencies and qualifications required by the Food Safety Code of Practice, officers engaged in food safety inspections must have undergone additional 'Food Hygiene Rating Scheme' consistency training.

### **Food Standards**

4.2.4 The Inspection and Sampling Team is responsible for Food Standards Inspection. The proportion of time allocated to this function in 2011/12 was estimated as follows:-

Support	0.05
Management	0.05
Food Staff	1.00
Total	1.1 FTE

### **4.3 Staff Development Plan**

- 4.3.1 The Authority has a structured appraisal and development system. During staff appraisals, individual training needs and any gaps in competence are identified. The information is used to produce individual training and development plans for each officer for the coming year. Brighton & Hove City Council was awarded accreditation to Investors in People in early 2009.
- 4.3.2 The Food Safety Team also has team meetings every six weeks. Any training needs of the service as a whole are identified and discussed at these meetings.
- 4.3.3 Through this system, the service ensures that all food competent officers receive sufficient good quality focused food safety training to comply with relevant Codes of Practice and professional membership schemes.
- 4.3.4 The service currently has three staff undergoing part time or distance learning to become Environmental Health Officers and one working towards a Higher Certificate in Food Premises Inspection

### **5.0 Quality Assessment**

#### **5.1 Quality Assessment and Internal Monitoring**

##### **Food Safety**

- 5.1.1 The service has a documented procedure relating to food safety duties. Internal audits are carried out to ensure compliance with these procedures. The service is accredited to ISO 9001 and externally audited by the British Standards Institute.
- 5.1.2 The service actively seeks the views of businesses by giving out post-inspection questionnaires to traders inspected. In 2010/2011 315 questionnaires were returned. The key findings of these returns were:-
- 98% of respondents were either very satisfied or satisfied that Brighton & Hove City Council had done all that it could to help deal with their premises inspection.
  - 99% of respondents understood the purpose of the visit to their premises.
  - 99% found the information given to them by the visiting officer easy or very easy to understand.

Similar high levels of satisfaction were recorded from questionnaires returned in the previous five years.

## **Food Standards**

5.1.4 We aim to continually improve the level of service provided. Procedures are implemented and reviewed where necessary to incorporate identified improvements.

## **6. Review**

### **6.1 Review Against the Service Plan.**

#### **Food Safety**

- 6.1.1 In addition to the quality checks detailed in 5.1, performance is reviewed against the Service Plan by comparing the number of interventions achieved against the number programmed. Monthly statistical reports are produced so that performance can be closely monitored and managed through the year. Any problems are promptly identified and resolved through management reviews, team meetings and monthly one to one's between field staff and their line manager.
- 6.1.2 Official Food and Food Controls Service Plans are produced and reviewed on an annual basis by management review and consideration by elected members through the committee structure and Full Council.
- 6.1.3 In the year 2010/2011 100% of the due food safety interventions were accounted for. This included interventions carried out and businesses that ceased trading before they could receive their planned intervention. 461 interventions were undertaken of new businesses or premises that had changed ownership.
- 6.1.4 At March 2011 90.8% of the food businesses in the city were deemed to be 'broadly compliant', or better.
- 6.1.5 The 2011/2012 Service Plan predicted that a total of 1197 food safety interventions would take place in this year. To the end of December 2011, 343 inspections of new businesses were undertaken and the service is on target to achieve the goal of carrying out interventions in at least 98% of the businesses due.
- 6.1.6 From April 2011 to the end of December 2011 the Food Safety Team served 29 Hygiene Improvement Notices, accepted one voluntary closure of an establishment and undertook two successful prosecutions and one simple caution. The prosecutions attracted total fines of £4,668 and costs of £2,100. One owner was prohibited from managing a food business.
- 6.1.7 Charts in Section 3 give a detailed break down of service activity from April 2007 to March 2011 and an estimation of the activity for the remainder of the current and coming year.

## **Food Standards**

- 6.1.8 Service reviews are carried out on a monthly basis to check that our inspection programme is on target and to ensure that projects are being completed in the agreed timescale.
- 6.1.9 The Service Reviews indicate that we are on target to achieve our interventions programme.
- 6.1.10 During staff one-to ones each officer's performance is monitored, to identify good performance and any areas of improvement.

Complaints are responded to within the stated timescales

## **6.2 Identification of Any Variation from the Service Plan**

### **Food Safety**

- 6.2.1 Reviewing the final outcome of 2010/2011 and the current prediction, as at end of January 2012, for 2011/12 against last year's Service Plan 2011/12 shows six probable areas of variation.
- Last year's Service Plan estimated that 400 applications to register a new food business or change of ownership would be received during 2011/12. This was calculated from the number of applications received in the previous five years. Based on applications received to the end of January 2012 this estimate has been amended to 450. The increase appears to be a result of a greater number of business turnovers and more people setting up businesses from their home
  - The 2010/11 Service Plan estimated that 414 low risk businesses would return survey questionnaires during 2010/11 and 277 in 2011/12. In fact 277 were received in 2010/11 and 151 so far for 2011/12. As in general these businesses are surveyed every three years the significant decrease in returns is attributable to businesses ceasing trading during the three year period.
  - Last year's plan estimated that 1110 secondary inspections would be undertaken in 2011/12. At the end of January 2012 this was reduced to 820. It was felt that this reduction was due as a result of the Scores on the Doors Scheme encouraging higher standards of hygiene. This plan estimates that 1000 secondary interventions will be undertaken during 2012/13. The increase being due to the demand for rescors under FHRS.
  - The number of food complaints had reduced from the estimated 20 to 12 for 2011/12.
  - Equally the number of complaints about the condition of premises had reduced from an estimated 400 to 340 for 2011/12.

## **Food Standards**

6.2.2 There was no significant variation from the plan.

### **6.3 Areas of Improvement**

#### **Food Safety**

6.3.1 Current possible areas of improvement for the future are:

- It is hoped that migration to the national FHRS from the local Scores on the Doors scheme will continue to have a positive effect on standards of hygiene. The dramatic improvement in standards can be demonstrated by comparing the rankings of businesses when the scheme was launched in October 2007 to when it closed in December 2011.

Ranking	2007	2011
0 stars	39	13
1 star	139	39
2 stars	221	93
3 stars	427	295
4 stars	263	389
5 stars	78	637

Number of food businesses in each Scores on the Doors category

6.3.2 The FSA have started to produce performance data for local authority food services based on information received in annual returns. It is pleasing to note that when compared to the other 57 English Unitary authorities, of which Brighton & Hove is the ninth largest when measured by number of registered food establishments that:

- The authority was one of six who accounted for 100% of it's food safety inspection programme;
- It was ranked 15<sup>th</sup> for the proportion of food establishments that are deemed broadly compliant, see 3.1.12 for details.

#### **Food Standards**

6.3.3 Advancements have been made in the delivery of food law enforcement. There are many examples of joined up working and cooperation where coordinated sampling programmes and officer training feature highly. However there are still areas for improvement. They are as follows:

- Improved use of the Environmental Health newsletter to provide businesses with information.
- Increasing the number of voluntary contacts by businesses



- Developing the access to on line business advice.
- Better publicity for the healthy eating education message.
- Developing links with the schools
- Increasing and maintaining the competency and professional development of food officers.
- Establishing consumer concerns and reflect this in local activity.

